



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**TUESDAY
September 14, 2021**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, September 14, 2021, at 9:36 a.m., there were present:

- Chairman Jeffrey C. McKay, presiding
- Supervisor Walter Alcorn, Hunter Mill District
- Supervisor John W. Foust, Dranesville District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Rodney Lusk, Lee District
- Supervisor Dalia Palchik, Providence District
- Supervisor Kathy L. Smith, Sully District
- Supervisor Daniel G. Storck, Mount Vernon District
- Supervisor James Walkinshaw, Braddock District

Others present during the meeting were Bryan J. Hill, County Executive; Elizabeth Teare, County Attorney; Jill G. Cooper, Clerk for the Board of Supervisors; Dottie Steele, Chief Deputy Clerk for the Board of Supervisors; Ekua Brew-Ewool and Kecia Kendall, Deputy Clerks, and Bobby Vaught, Administrative Assistant, Department of Clerk Services.

BOARD MATTER1. **MOMENT OF SILENCE** (9:57 a.m.)

Chairman McKay stated that:

- On August 9, and continuing through today, Fairfax County moved from moderate to substantial community transmission of COVID-19. Masks are required in accordance with updated CDC guidance for everyone who enters a County facility – regardless of vaccination status – for their own protection and to protect those around them. Therefore, every person in the Board auditorium today must wear a mask at all times to help stop the spread of COVID-19.
- The Board recognized the 20th anniversary of 9/11 at its last meeting and thanked colleagues and members of the community who came out to honor those whose lives were lost, and to especially thank the brave first responders. The anniversary was marked all over the County at numerous events, and memorials, to ensure that we never forget.

The Board asked everyone to keep in thoughts the family and friends of the following individuals who died recently:

- Adeline “Addy” Krizek, beloved mother of Delegate Paul Krizek. She played an important role working with United Community, to launch a supportive housing program, while also managing community centers and working throughout the Route One South County community. There will be a celebration of her life in October.
- Alyson Bailey, beloved daughter of Delegate Kathleen Murphy, who fought a courageous battle with pancreatic cancer
- Lieutenant Paul R. “Boo” Fridley, who was part of a crew of five sailors killed in a helicopter crash following a flight operation
- Marion A. Frieswyk, a longtime community volunteer in the Springfield District, who passed away just a few weeks shy of her 100th birthday. She was very involved in the Springfield Civic Association
- George Alber, who was very active in local government. He was a member of the Human Rights Commission; and provided tireless work for Fairfax County schools in the renaming of two confederate named high schools. He was also active in the Fairfax County NAACP fighting for equity

- D.H. Scarborough, a longtime Vienna community supporter who peacefully lost her battle with cancer. She was a very active community member and co-founder of the Vienna Business Association
- Mary Ann Flynn, a Hunter Mill District resident and former elementary school educator and active community member; in 2003 she and her husband Tom were honored by the General Assembly as “Best of Reston” for their volunteer efforts
- Andrew Willingham, a Hunter Mill District Resident who tragically lost his life on his way home from work as the result of a hit-and-run, as he was turning into his community
- Peter Langer, a Providence District resident; he was a former ESL educator and staunch advocate for the immigrant community
- Reg Smith, a Mount Vernon community resident; he was an active community member
- Jerry Daggie, a Mason District resident; he was a business entrepreneur who owned several ExxonMobil gas stations and was an enthusiastic community member
- Joe Ragan, a resident in the Springfield area; he was an entrepreneur who started and managed several family-owned businesses
- With reference to the 9/11 20-year anniversary remembrance, Supervisor Storck shared that Lieutenant Colonel Gary Smith lost his life when Flight 77 crashed into the Pentagon. In remembrance of him, his family generously helped to fund the turf fields at Grist Mill Park in the Mount Vernon District.

AGENDA ITEMS

2. **PROCLAMATION DESIGNATING SEPTEMBER 2021 AS “SUICIDE AWARENESS MONTH” IN FAIRFAX COUNTY** (9:58 a.m.)

Supervisor Walkinshaw moved approval of the Proclamation designating September 2021 as "*Suicide Awareness Month*" in Fairfax County. Supervisor Smith seconded the motion and it carried by unanimous vote.

3. **PROCLAMATION DESIGNATING SEPTEMBER 2021 AS “HUNGER ACTION MONTH” IN FAIRFAX COUNTY** (10:12 a.m.)

Supervisor Palchik moved approval of the Proclamation designating September 2021 as "*Hunger Action Month*" in Fairfax County. Chairman McKay seconded the motion and it carried by unanimous vote.

4. **PROCLAMATION DESIGNATING SEPTEMBER 15 - OCTOBER 15, 2021, AS "HISPANIC HERITAGE MONTH" IN FAIRFAX COUNTY** (10:30 a.m.)

Supervisor Palchik moved approval of the Proclamation designating September 15 – October 15, 2021, as "*Hispanic Heritage Month*" in Fairfax County. Chairman McKay seconded the motion and it carried by unanimous vote.

5. **RESOLUTION OF RECOGNITION PRESENTED TO JOSEPH MONDORO, CHIEF FINANCIAL OFFICER** (10:46 a.m.)

Chairman McKay moved approval of the Resolution of Recognition presented to Joseph Mondoro, Chief Financial Officer, for his years of outstanding service to Fairfax County. The motion was multiply seconded, and it carried by unanimous vote.

EBE:ebe

6. **9:30 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS (BACs) AND ADVISORY GROUPS** (11:15 a.m.)

(APPTS)
(BACs)

Supervisor Gross moved approval of the appointments and reappointments of those individuals identified in the final copy of "Appointments to be Heard September 14, 2021." Chairman McKay seconded the motion.

Supervisor Gross asked to amend the motion to reappoint Ms. Kaye Orr as the Mason District Representative to the Architectural Review Board. This was accepted.

The question was called on the motion, as amended, and it carried by unanimous vote.

The full list of appointments is as follows:

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

The Board deferred the appointments of the At-Large Chairman's, Mason, and the Mount Vernon District Representatives.

ADVISORY SOCIAL SERVICES BOARD

Reappointment of:

- Ms. Karen Darley as the Braddock District Representative

The Board deferred the appointments of the Dranesville, Hunter Mill, and Mount Vernon District Representatives.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

The Board deferred the appointments of the Builder (Multi-Family), Engineer/Architect/Planner #1, #2, and the Lending Institution Representatives.

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP)

The Board deferred the appointment of the At-Large #1 Representative.

ARCHITECTURAL REVIEW BOARD

Reappointment of:

- Ms. Kaye Orr as the Related Professional Group #1 Representative
- Ms. Susan Woodward Notkins as the Related Professional Group #3 Representative
- Ms. Samantha Huang as the Related Professional Group #4 Representative

The Board deferred the appointment of the Related Professional Group #6 Representative.

ATHLETIC COUNCIL

Reappointment of:

- Mr. Stephen A. McLaughlin as the Providence District Principal Representative

The Board deferred the appointment of the Mason District Alternate Representative.

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE

The Board deferred the appointment of the Dranesville District Representative.

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS

The Board deferred the appointments of the Design Professional #1 and Alternate #1 Representatives.

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS (BOE)

The Board deferred the appointment of the At-Large #2 Representative.

CELEBRATE FAIRFAX, INC. BOARD OF DIRECTORS

Reappointment of:

- Ms. Debbie Kilpatrick as the At-Large #4 Representative

The Board deferred the appointments of the At-Large #1 and #3 Representatives.

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

The Board deferred the appointment of the Mason District Representative.

CHILD CARE ADVISORY COUNCIL

Reappointment of:

- Mr. Scott Stroh as the Mount Vernon District Representative
- Ms. Mercedes O. Dash as the Providence District Representative

The Board deferred the appointment of the Lee District Representative.

CIVIL SERVICE COMMISSION

The Board deferred the appointment of the At-Large #9 Representative.

COMMISSION FOR WOMEN

The Board deferred the appointments of the At-Large Chairman's and the Springfield District Representatives.

COMMUNITY ACTION ADVISORY BOARD (CAAB)

The Board deferred the appointments of the Mount Vernon and Providence District Representatives.

CONSUMER PROTECTION COMMISSION

Reappointment of:

- Mr. Denis Gulakowski as the Fairfax County Resident #12 Representative

The Board deferred the appointments of the Fairfax County Resident #6, #7, #9, #11, and #13 Representatives.

CRIMINAL JUSTICE ADVISORY BOARD (CJAB)

The Board deferred the appointments of the At-Large, Lee, Providence, and Springfield District Representatives.

DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE II

The Board deferred the appointment of the BOS At-Large #6 Representative.

ECONOMIC ADVISORY COMMISSION

Confirmation of:

- Ms. Eileen Ellsworth as the At-Large #4 Representative

The Board deferred the appointment of the Mason District Representative.

ECONOMIC DEVELOPMENT AUTHORITY (EDA)

Appointment of:

- Ms. Pallabi Saboo as the At-Large #9 Representative

ENGINEERING STANDARDS REVIEW COMMITTEE

The Board deferred the appointments of the Citizen #2 and #4 Representatives.

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointment of the Mason District Representative.

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

The Board deferred the appointment of the Lee District Representative.

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL

Confirmation of:

- Ms. Rikki Epstein as the Advocacy Organizations #1 Representative
- Ms. Catherine S. Cole as the Commission on Aging Representative

- Mr. Douglas Birnie as the Community/Religious Leaders #3 Representative
- Ms. Denise Hyater as the Long Term Care Providers #7 Representative
- Ms. Rose Mario as the Long Term Care Providers #9 Representative
- Ms. S. Orlene Grant as the Long Term Care Providers #15 Representative
- Mr. Kenneth J. Crum as the Long Term Care Providers #17 Representative
- Mr. Robert Sargeant as the Long Term Care Providers #19 Representative
- Ms. Carol Edelstein as the Long Term Care Providers #20 Representative
- Ms. Melanie Rochon Bush as the Long Term Care Providers #22 Representative
- Mr. Aaron Rebuck as the Long Term Care Providers #24 Representative
- Ms. Nancy Fiedelman as the Long Term Care Providers #25 Representative
- Ms. Sonia Gow as the Long Term Care Providers #26 Representative
- Ms. Matriona Busch as the Long Term Care Providers #27 Representative
- Ms. May F. Al-Barzinji as the Long Term Care Providers #29 Representative

HEALTH CARE ADVISORY BOARD

The Board deferred the appointments of the At-Large Chairman's and Dranesville Representatives.

HEALTH SYSTEMS AGENCY BOARD

The Board deferred the appointments of the Consumer #2, #5, and Provider #1 Representatives.

HISTORY COMMISSION

Reappointment of:

- Mr. Steve Sherman as the Citizen #4 Representative

The Board deferred the appointment of the Historian #1 Representative.

HUMAN RIGHTS COMMISSION

Reappointment of:

- Mr. Bryan W. Hudson as the At-Large #3 Representative
- Ms. Meena Bhinge as the At-Large #10 Representative

The Board deferred the appointment of the At-Large #1 Representative.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

Appointment of:

- Ms. Carol C. Robinson as the Sully District Representative

The Board deferred the appointment of the Dranesville District Representative.

LIBRARY BOARD

Appointment of:

- Ms. Soo Park as the Providence District Representative

OVERSIGHT COMMITTEE ON DISTRACTED AND IMPAIRED DRIVING

The Board deferred the appointments of the At-Large Chairman's, Braddock, Dranesville, Mason, Mount Vernon, Providence, and Sully District Representatives.

POLICE CIVILIAN REVIEW PANEL

The Board deferred the appointments of the Seat #2 and #5 Representatives.

RESTON TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

Reappointment of:

- Ms. Angela E. Roberts as the Apartment or Rental Owner Associations Representative
- Ms. Margaret D. Parker as the Commercial or Retail Ownership #1 Representative
- Mr. Peter J. Henry as the Commercial or Retail Ownership #3 Representative
- Mr. Michael Shindledecker as the Dranesville District Representative
- Ms. Kelley Westenhoff as the Hunter Mill District #1 Representative
- Mr. Joe Koszarek as the Hunter Mill District #2 Representative
- Mr. Gary Maupin as the Resident Member from Reston Town Center Association Representative
- Mr. John R. Mooney as the Reston Association Representative
- Mr. Robert E. Goudie as the Reston Town Center Association Representative

The Board deferred the appointments of the Commercial or Retail Ownership #2 and the Residential Owners and HOA/Civic Association #3 Representatives.

ROAD VIEWERS BOARD

The Board deferred the appointments of the At-Large #3, #4, and #5 Representatives.

TENANT LANDLORD COMMISSION

The Board deferred the appointments of the Citizen Member #3 and the Landlord Member #2 Representatives.

TRESPASS TOWING ADVISORY BOARD

The Board deferred the appointment of the Citizen Alternate Representative.

TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD

The Board deferred the appointment of the Commercial or Retail Ownership #3 Representative.

WETLANDS BOARD

The Board deferred the appointments of the Alternate #1, At-Large #2, and the Mount Vernon District #3 Representatives.

YOUNG ADULTS ADVISORY COUNCIL

Appointment of:

- Mr. Eddy Sandoval as the Sully District Representative

The Board deferred the appointment of the Mount Vernon District Representative.

AFFORDABLE HOUSING ADVISORY COUNCIL (AHAC)

Appointment of:

- Ms. Molly Bensinger-Lacy as the Braddock District Representative
- Ms. Keary Kincannon as the Mount Vernon District Representative
- Mr. Austin Morrill as the Sully District Representative

Confirmation of:

- Dr. Stephen Woolf as the Business, Economic Development, Health #3 Representative
- Dr. Eleanor Vincent as the Advocacy Group #2 Representative

The Board deferred the appointments of the Hunter Mill, Lee, and Mason District Representatives.

DMS:dms

BOARD MATTERS

7. **PROCLAMATION REQUEST DESIGNATING SEPTEMBER 12, 2021, AS THE "75TH PAKISTAN INDEPENDENCE DAY CELEBRATION" IN FAIRFAX COUNTY** (11:17 a.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and asked unanimous consent that the Board direct staff to prepare a proclamation designating September 12, 2021, as the *"75th Pakistan Independence Day Celebration"* in

Fairfax County, to be presented out of the Board Room. Without objection, it was so ordered.

8. **PROCLAMATION REQUEST DESIGNATING SEPTEMBER 25, 2021, AS “AASUCCESS’S (ASIAN AMERICAN) 15TH YEAR ANNIVERSARY CELEBRATION” IN FAIRFAX COUNTY** (11:17 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a proclamation designating September 25, 2021, as “*AASuccess’s (Asian American) 15th Year Anniversary Celebration*” in Fairfax County, to be presented out of the Board Room. Without objection, it was so ordered.

9. **CERTIFICATE OF RECOGNITION REQUEST FOR JEROME L. DAVIS** (11:17 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a certificate of recognition for Jerome L. Davis, Executive Vice President and Chief Revenue Officer, Metropolitan Washington Airports Authority (MWAA), for his years of service to MWAA, to be presented out of the Board Room. Without objection, it was so ordered.

10. **CERTIFICATE OF RECOGNITION REQUEST FOR MIKE STEWART** (11:17 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a certificate of recognition for Mike Stewart, Metropolitan Washington Airports Authority (MWAA) Vice President and Dulles International Airport Manager, for his 14 years of service to MWAA, to be presented out of the Board Room. Without objection, it was so ordered.

11. **CERTIFICATE OF RECOGNITION REQUEST FOR NALLS PRODUCE (LEE DISTRICT)** (11:17 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a certificate of recognition for Nalls Produce, for its 60 years of being in business in the Lee District. Without objection, it was so ordered.

12. **PROCLAMATION REQUEST DESIGNATING OCTOBER 2021 AS “DISABILITY EMPLOYMENT AWARENESS MONTH” IN FAIRFAX COUNTY** (11:17 a.m.)

Chairman McKay asked unanimous consent that the Board direct staff to prepare a proclamation designating October 2021, as “*Disability Employment Awareness Month*” in Fairfax County, to be presented out of the Board Room. Without objection, it was so ordered.

13. **RECOGNITION OF THE VIRGINIA ASSOCIATION OF COUNTIES (VACo) ACHIEVEMENT AWARD WINNER** (11:18 a.m.)

Chairman McKay stated that the Department of Stormwater Planning was selected to receive the VACo Achievement Award for its excellent Educational, Collaborative Online “Eco” video series. The videos provide schools with educational and interactive programming material on freshwater science that also are related to Standards of Learning requirements.

The project was selected as one of 30 winners in the competitive statewide contest. This is an achievement to be proud of, especially understanding that while amid the pandemic, providing quality virtual education materials is especially critical. Further, teaching kids about freshwater science remains critically important to the County’s goals of good environmental stewardship.

Therefore, jointly with Vice-Chairman Gross, Chairman McKay moved that the Board congratulate the Department of Stormwater Planning in recognition of its great work and invite VACo to a future Board meeting, when it is appropriate to do so, to be presented with this award. Vice-Chairman Gross seconded the motion and it carried by unanimous vote.

14. **PROCLAMATION REQUEST FOR SERVICESOURCE** (11:19 a.m.)

Chairman McKay stated that this year marks the 50th anniversary of ServiceSource, founded as Fairfax Opportunities Unlimited in December 1971. ServiceSource is a leading community resource in the County and the Northern Virginia region, providing vital support to individuals with disabilities, seniors, and their families. Since 1971, ServiceSource has grown from supporting fewer than 100 people to serving more than 5,000 people annually in the region.

ServiceSource has always been a close partner with the Board, working to enact policies that best support the needs of the individuals they serve and to educate the broader community. The pandemic has shown now, more than ever, the importance of providing employment and supportive services to the disability community. As the County also celebrates Disability Employment Awareness Month in October – the Board is fully committed to providing opportunities for all residents, no matter who you are.

Therefore, jointly with Supervisor Herrity, Supervisor Palchik, and Supervisor Smith, Chairman McKay moved that the Board:

- Recognize and celebrate ServiceSource’s 50th anniversary this year and commend them for creating inclusive communities where every individual’s talent and potential can be appreciated and fostered
- Direct the Office of Public Affairs to prepare a proclamation for ServiceSource’s 50th anniversary, to be presented out of the Board Room

Vice-Chairman Gross seconded the motion and it carried by unanimous vote.

15. **REQUEST FOR PLAN FOR TRANSLATIONS AND COMMUNICATION**
(11:21 a.m.)

Chairman McKay stated that COVID-19 illuminated a problem that many have long known existed throughout the community – language access is severely restricted in many day-to-day communications.

In Fairfax County, 60.4 percent of residents speak a language other than English at home. With this in mind, the Office of Public Affairs has done great work to create a language portal and a new position dedicated to language strategy for the diverse community. This prioritization of language access has brought together 10 staff members across County agencies on a temporary basis, allowing them to respond to translation requests within one to two business days. While the Board is very grateful of these efforts, the Board does think a more comprehensive solution is necessary.

Additionally, the County's 2020 Census data shows that the County is officially a majority minority jurisdiction. Chairman McKay stated that while he is proud of the growth, he has long said that diversity is the County's strength. The Board no doubt looks forward to building the County's reputation as a community that is open to everyone.

If the Board wants to make sure everyone can thrive, however, it needs to make sure to accommodate language needs in an intentional and holistic manner. With more than 182 different languages or dialects spoken in the County, the Board cannot limit itself to distributing information from only a limited and selective list. Similarly, relying on tools such as Google Translate has been critical in managing this existing gap, but are limited to purely online publications and can lead to some misunderstandings that inhibit the ability to effectively communicate.

Therefore, jointly with Supervisor Palchik, Chairman McKay moved that the Board:

- Direct the County Executive to develop a thorough plan to better operationalize and make central this critical need for the County's day-to-day work. The plan should evaluate the resources necessary to automatically translate critical County documents, announcements, and other written materials in multiple languages as well as assist County residents and agencies throughout the County to ensure language is not a barrier. This work, in both the short and long-term, should also be done in anticipation and ultimately in coordination with the new Director of Immigrant Community Affairs

- Direct staff to bring this plan before the Board via a memo no later than the end of the current calendar year

Supervisor Palchik seconded the motion and it carried by a vote of nine, with Supervisor Herrity being out of the room.

16. **REQUEST TO CONSIDER FUNDING ADDITIONAL VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) MOWING CYCLE**
(11:27 a.m.)

Chairman McKay stated that the Board has long voiced concerns regarding the frequency of roadside grass mowing performed by the VDOT each year and its impact on driver and pedestrian safety as well as community aesthetics. Appropriate vegetation maintenance is required to ensure all related safety requirements are met, including, but not limited to, clear zoning and sight distance requirements. In addition to the safety risks associated with not maintaining vegetation, the current mowing policy impedes the County's economic development effort that benefits the County and the Commonwealth. County Code prohibits residential and commercial grass or lawn areas to exceed the height/length of 12 inches. However, vegetation along the roadway can far exceed this length.

VDOT generally mows grass three times per year, which is insufficient to maintain safety and promote economic development and livable neighborhoods. The County has previously requested that VDOT increase the frequency of roadside grass mowing, as well as provide additional funding to support one additional roadside moving cycle. Unfortunately, the State has not agreed to this request, and again, the County is saddled with another State responsibility. Consistent with actions taken in previous years, VDOT recently provided the County an annual estimate of \$250,000 to support an additional mowing cycle for this season. Chairman McKay stated that he proposes that the Board fund this additional mowing cycle and consider including \$250,000 for such purpose in future fiscal years.

Road maintenance is a Commonwealth responsibility, and more regular roadside mowing should be undertaken by VDOT as part of those responsibilities. While today's action will allow the County to work with VDOT to undertake this additional mowing, concerns about the County having to provide funding for a Commonwealth responsibility remain.

Therefore, Chairman McKay asked unanimous consent that:

- A consideration item be included for the Fiscal Year (FY) 2021 Carryover Review to provide an additional \$250,000 from the General Fund in FY 2022 for mowing
- Beginning in FY 2023, request annual funding in the amount of \$250,000 from VDOT to contract an additional Countywide mowing cycle

Supervisor Foust and Supervisor Lusk seconded the motion. Discussion ensued regarding the mowing issues and involvement of County delegation. The question was called on the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

17. **FIRE AND RESCUE DEPARTMENT (FRD) AND DEPARTMENT OF TAX ADMINISTRATION (DTA) UPDATES** (11:40 a.m.)

Chairman McKay shared the following updates:

- FRD recently received the American Heart Association’s Mission: Lifeline Emergency Medical Services (EMS) Gold Achievement Award, for implementing specific quality improvement measures to treat patients who suffer severe heart attacks
- FRD employees have returned safely from providing aid for a recent hurricane in Somerset, New Jersey
- FRD’s Urban Search and Rescue Crew has safely returned from helping Haiti earthquake victims
- DTA was recently awarded the Certificate of Excellence in Assessment Administration. The County became the first County in Virginia to receive the certificate

18. **COUNTY WEBSITE UPDATES** (11:41 a.m.)

Supervisor Gross stated that for many residents and businesses the County’s website, www.fairfaxcounty.gov, is the face for the County. You can log on from anywhere, 24 hours a day, to find information about County services and programs. That is what the County set out to do years ago when the modern website was built – the Board wanted to be a 24/7/365 locality where you can find accurate information, apply for permits, pay taxes, and do much more.

However, for many residents, the webpages provided by County departments often are out of date, or difficult to find, frustrating the search for information, and reflecting poorly on the County. Constituents have complained about information that is out of date, sometimes by years, and that pages are not refreshed. Coincidentally, as this Board Matter was being prepared, a constituent left a voicemail that the income levels to qualify for some County services still are listed as 2018.

Currently, departments and agencies seem to be on their own when it comes to content and updates of their County webpages. Maintaining a departmental website may fall as “other duties as assigned” to a staffer, who may not have professional expertise, but who is the nearest available staff. The County’s Department of

Information Technology (DIT) does a great job with up-to-date equipment and security, but webpage content appears to be the responsibility of the individual departments, which have subject matter expertise, but no template for taking down old material and replacing it with current information.

Therefore, jointly with Supervisor Alcorn, Supervisor Gross asked unanimous consent that the Board direct the County Executive to:

- Conduct a review of the County’s websites and the associated content management system, with a focus on clarity, updated and correct information, a process or calendar for timely updates, and staff training needs. Consistent with existing County policy, the web content also needs to be viewed on various equipment – desktops, laptops, iPads, iPhones, etc. – and different browsers
- Consider open-source tools, as appropriate, and budgetary implications should be brought back to the Board with recommendations and a status report before release of the budget in early 2022

Without objection, it was so ordered.

19. **PROCLAMATION REQUEST DESIGNATING OCTOBER 24, 2021, AS “POLIO AWARENESS DAY” IN FAIRFAX COUNTY** (11:45 a.m.)

Supervisor Gross stated that when Rotary and its partners launched the Global Polio Eradication Initiative in 1988, there were 350,000 cases of polio in 125 countries across the world every year. Today, polio cases have been reduced by 99.9 percent, and just two countries continue to report cases of wild poliovirus: Afghanistan and Pakistan.

With polio nearly eradicated, Rotary and its partners must sustain this progress and continue to reach every child with the polio vaccine. Without full funding and political commitment, this paralyzing disease could return to polio-free countries, putting children everywhere at risk. Rotary has committed to raising \$50 million each year to support global polio eradication efforts. The Bill and Melinda Gates Foundation has pledged to match that two-to-one, for a total yearly contribution of \$150 million.

October 24 was established as “*World Polio Awareness Day*” to provide an opportunity to raise awareness of the continuing efforts toward a polio-free world and honor the tireless contributions of those on the frontlines in the fight to eradicate polio from every corner of the globe.

Therefore, jointly with Chairman McKay and Supervisor Palchik, Supervisor Gross asked unanimous consent that the Board direct staff to prepare a proclamation designating October 24, 2021, as “*Polio Awareness Day*” in Fairfax County, and

invite representatives from Rotary District 7610 to be presented with it at the October 19, 2021, Board meeting. Without objection, it was so ordered.

20. **INTENT TO DEFER THE PUBLIC HEARING ON REZONING APPLICATION RZ 2020-BR-001, (CHRISTOPHER LAND, LLC) (BRADDOCK DISTRICT)** (11:49 a.m.)

Supervisor Walkinshaw announced his intent, later in the meeting at the appropriate time, to defer the public hearing on Rezoning Application RZ 2020-BR-001 to **October 5, 2021, at 3:30 pm.**

(NOTE: Later in the meeting, this public hearing was formally deferred. See Clerk's Summary Item #67.)

21. **REDISTRICTING SCHEDULE** (11:49 a.m.)

(BAC) Supervisor Walkinshaw stated that the Board established the Redistricting Advisory Committee (RAC) for the purpose of developing and receiving from the public proposed redistricting plans to submit to the Board for consideration. Delays in the availability of U.S. Census data have impacted the work of the RAC. More recently, and since the Board adopted its redistricting schedule on June 8, 2021, complications in receiving the adjusted census data from the Virginia Division of Legislative Services have pushed the availability of data even further from the date when staff anticipated it could make the online mapping tool available for use by the RAC and the public.

The current schedule adopted by the Board takes into consideration the need for the RAC and staff to process the submitted maps in advance of the advertisement of a public hearing. However, due to the aforementioned delays, the current schedule leaves virtually no window of opportunity for the RAC and the public at large to draw new electoral maps. Given the Board's commitment to a transparent and public process, a revised schedule is needed, which balances the opportunities for the RAC and County residents to develop and submit proposed maps while preserving the time the RAC, and staff needs to process and compile the Committee's work into a report for the Board. Additionally, it maintains the Board's commitment to adopting a redistricting ordinance by the end of 2021.

Therefore, jointly with Chairman McKay, Supervisor Walkinshaw moved that the Board replace the 2021 Redistricting Schedule adopted on June 8, 2021, with the revised schedule attached to his Board Matter. Chairman McKay seconded the motion.

Discussion ensued, with input from Beth Teare, County Attorney, regarding the proposed schedule and date for public hearing.

The question was called on the motion and it carried by unanimous vote.

22. **PROCLAMATION REQUEST DESIGNATING SEPTEMBER 2021, AS “SICKLE CELL AWARENESS MONTH” IN FAIRFAX COUNTY**
(11:59 a.m.)

Supervisor Walkinshaw stated that Sickle cell disease (SCD) is an inherited blood disorder in which red blood cells may become sickle-shaped and harden. Those individuals with two copies of the gene have blood cells that are sickle-shaped, instead of cylindrical, which causes a disruption in blood flow that can damage many organs, including the brain and kidneys. A person with SCD can begin experiencing the negative effects in early childhood, including pain, organ damage, and risk of stroke.

SCD is a chronic, debilitating, inherited condition that afflicts 100,000 Americans (primarily African Americans and Hispanic-Americans). SCD occurs among about 1 out of every 365 Black or African-American births. SCD occurs among about 1 out of every 16,300 Hispanic-American births and about 1 in 13 Black or African-American babies is born with sickle cell trait (SCT). While more common among African Americans, sickle cell disease has many faces and affects millions of people throughout the world and is particularly common among those whose ancestors came from sub-Saharan Africa; Spanish-speaking regions in the Western Hemisphere (South America, the Caribbean, and Central America); Saudi Arabia; India; and Mediterranean countries such as Turkey, Greece, and Italy.

While quality of life and life expectancy of people with sickle cell disease has improved, there are serious health issues associated with the disease and National Sickle Cell Awareness Month highlights the importance of continued research, surveillance, health education and outreach to close the survival gap.

September is National Sickle Cell Awareness Month, designated by the U.S. Congress to help focus attention on prevention, research and treatment of sickle cell disease.

Therefore, jointly with Supervisor Lusk and Supervisor Palchik, Supervisor Walkinshaw moved that the Board:

- Direct staff to prepare a proclamation designating September 2021 as “*Sickle Cell Awareness Month*” in Fairfax County
- Invite Valery Bey to appear at a location outside the Board Room for the presentation and recognition for her work with The Heart of Gold Sickle Cell Foundation of Northern Virginia

Chairman McKay seconded the motion and it carried by unanimous vote.

23. **PROCLAMATION REQUEST DESIGNATING SEPTEMBER 18, 2021, AS “DICK SARGENT DAY” IN FAIRFAX COUNTY** (12:01 p.m.)

Supervisor Walkinshaw stated that recently, the County lost an accomplished and well-loved community leader, volunteer, and resident named Richard (Dick) Sargent. Mr. Sargent was a soft spoken, yet strong leader, who demonstrated a vigorous commitment to the Ravensworth community. He served as a longtime pillar in the Braddock District for more than 50 years.

Mr. Sargent served in various community organizations, including the former Braddock District Park Advisory Committee, the Ravensworth Farm Civic Association's (RFCA) Parks and Recreation Standing Committee (where he served as Chair), and he also worked alongside Scouts spearheading Lake Accotink Park clean-up campaigns. He always looked for ways to positively contribute to his community and fellow residents. His work to make the community a safe, clean, and beautiful environment in which to raise families is evident every day. Mr. Sargent leaves behind a legacy of compassion, volunteerism, and service.

Therefore, Supervisor Walkinshaw moved that the Board direct staff to prepare a proclamation designating September 18, 2021, as "*Dick Sargent Day*" in Fairfax County, to be presented out of the Board Room. Chairman McKay seconded the motion and it carried by unanimous vote.

24.

RESOLUTION OF RECOGNITION REQUEST FOR SPECIALLY ADAPTED RESOURCE CLUBS (SPARC) (12:03 p.m.)

Supervisor Foust congratulated SPARC for its 15th anniversary. Fifteen years ago, Donna Goldbranson was concerned about the lack of a place for her disabled son to go after he graduated from high school, a place where he could continue to interact with others, learn skills, and be part of a community. Working with other parents, Ms. Goldbranson opened the first SPARC facility with six members. Today, there are a total of five clubs located in the Reston Community Center, Providence Community Center, The Old Firehouse in McLean, Arlington Mill Community Center, and the Church of the Good Shepherd in Vienna. Approximately 52 people participate in club activities.

SPARC seeks to address the problem of social isolation among adults with severe disabilities residing in Northern Virginia. Its day program positively impacts the mental health of its participants. SPARC specifically aims to: build a positive team environment; focus on each club member's unique abilities; support their continued learning interests; foster self-advocacy and respect club member choices; and provide opportunities for club members to contribute to their community.

SPARC sets the stage for learning skills and habits that improve life for club members and their families. Anyone who is no longer enrolled in high school or who is 18 or older with a physical and/or developmental disability can join a club. The County is committed to providing an inclusive community life for adults with disabilities, and SPARC is a valuable partner in providing the services that meet that goal.

Therefore, jointly with Supervisor Alcorn and Supervisor Palchik, Supervisor Foust asked unanimous consent that the Board direct staff to prepare a resolution of recognition, to be signed by the Board and the Dranesville, Hunter Mill, and Providence District Supervisors, recognizing SPARC for 15 years of service to adults with disabilities in the County, to be presented at a celebration Bowl-a-Thon on November 13, 2021. Without objection, it was so ordered.

25. **PROCLAMATION REQUEST FOR CORNERSTONES** (12:05 p.m.)

Supervisor Alcorn stated that Cornerstones, formerly known as Reston Interfaith, is celebrating its 50th Anniversary on September 30, 2021. Established in 1970, Cornerstones has become a crucial human services provider and advocate for neighbors in need. Cornerstones has touched the lives of more than 16,000 people in need, including 4,000 families and 5,000 children.

An outstanding partner with the County, its management and staff have been exceptional in their professionalism and dedication. Its successful programs and wraparound services include housing, food and financial assistance, childcare and youth services, and community and family strengthening.

Cornerstones manages the Embry Rucker Community Shelter in Reston and owns and operates 106 homes that serve low-income individuals and families, as well as those leaving homelessness. This outstanding community partner also facilitates a foreclosure and eviction prevention program, a hypothermia prevention program, provides affordable childcare at Laurel Learning Center, and manages Opportunity Neighborhoods for Reston and Herndon and the Herndon Neighborhood Resource Center.

Therefore, jointly with Chairman McKay, Supervisor Foust, and Supervisor Palchik, Supervisor Alcorn moved that the Board direct the Office for Public Affairs to prepare a proclamation congratulating Cornerstones on its 50th Anniversary, to be presented at the October 19, 2021, Board Meeting. Chairman McKay seconded the motion and it carried by unanimous vote.

26. **CONCURRENT PROCESSING REQUEST FOR FINAL DEVELOPMENT PLAN AMENDMENT APPLICATION FDPA 2016-HM-007-4 [SIC] (JACO ACQUISITION, LLC) (HUNTER MILL DISTRICT)** (12:07 p.m.)

Supervisor Alcorn stated that Akridge is under contract with the owner, Reston Two Company LLC and submitted a Final Development Plan Amendment (FDPA) application for Block C of the development known as Halley Rise (formerly Reston Crescent). The Block is anchored by two residential buildings with approximately 480 dwelling units and up to 9,250 square feet of retail. A key part of the project is building a shared parking garage for the existing office building on Block E.

The Planning Commission public hearing is scheduled for November 17, 2021, for FDPA 2016-HM-007-4 [sic], and the applicant is requesting concurrent site plan processing.

Therefore, Supervisor Alcorn moved that the Board direct staff to authorize concurrent final development plan and site plan processing. This motion should not be construed as a favorable recommendation by the Board on the proposed applications and does not relieve the applicant from compliance with the provisions of applicable ordinances, regulations, or adopted standards in any way. Chairman McKay and Supervisor Lusk jointly seconded the motion and it carried by a vote of nine, with Supervisor Foust being out of the room.

27. **CAMPUS COMMONS WIEHLE AVENUE STUDY GROUP FINDINGS (HUNTER MILL DISTRICT)** (12:08 p.m.)

Supervisor Alcorn stated that on October 15, 2019, the Board approved Rezoning Application RZ 2017-HM-018 – Campus Commons LLC – to entitle a mixed-use development at the northeast corner of Wiehle Avenue and Sunrise Valley Drive. As part of this application, the developer, TF Cornerstone, proffered to provide pedestrian improvements for a crossing of Wiehle Avenue at the eastbound Dulles Toll Road ramps at the northwest corner of the site. He stated that the approved proffer statement is attached his Board Matter. To provide a public process to identify the preferred crossing alternative, the proffers detail the formation of a group to study three proposed pedestrian overpasses, as well as any alternative crossings identified by the study group. The study group was also to review an evaluation of a separate proposed at-grade crosswalk across Wiehle Avenue. The study group was formed on December 9, 2019, and concluded its work on August 19, 2021, following 15 meetings. The study group included residents of nearby neighborhoods, representatives from local businesses, members of Reston Association and County boards and committees, and community advocates. The study group was supported by staff from the Hunter Mill District Supervisor’s Office, the Department of Transportation, the Virginia Department of Transportation, and representatives from TF Cornerstone.

Supervisor Alcorn stated that the results of the study group’s efforts are also included in his Board Matter (Attachment 2). This document, written by the study group, includes a summary of findings along with individual comments and perspectives from members of the study group. Overall, the study group findings included:

- A unanimous rejection of the three overpass options proffered by the applicant
- Unanimous support of an alternative crossing option

Following receipt of the study group’s recommendations, in accordance with Proffer 25, the Board has 12 months to determine the appropriate pedestrian

crossing option for this location which could include one of the three overpass options proposed and to be funded by the developer or a cash contribution of \$1,650,000 to facilitate an alternative crossing option.

The Board is also tasked, in accordance with Proffer 27, with determining whether an at-grade crossing of Wiehle Avenue at the Dulles Toll Road eastbound ramps should be provided by the developer independent of the grade-separated crossing options.

Therefore, Supervisor Alcorn moved that the Board direct staff to:

- Accept the findings of the Wiehle Avenue Study Group for review in its consideration and determination of the most appropriate pedestrian crossing option at the intersection of Wiehle Avenue and the Dulles Toll Road eastbound ramps in accordance with the approved proffer statement for Rezoning Application RZ 2017-HM-018
- Move forward with the planned study of the Wiehle Avenue corridor between Sunrise Valley Drive and the Washington and Old Dominion Trail to evaluate opportunities to improve multimodal access and mobility. This study was previously requested by the Board in 2019 and is already scheduled to be fully funded

Chairman McKay seconded the motion and it carried by unanimous vote.

28. **ON THE BRINK OF CHANGE: THE HISTORICAL GEOGRAPHY OF FAIRFAX COUNTY** (12:12 p.m.)

Supervisor Alcorn drew the Board's attention to a book: On the Brink of Change: The Historical Geography of Fairfax County. Discussion ensued regarding some historical information provided within the book.

29. **FOLLOW-UP ON TRAFFIC STOP PILOT PROGRAM** (12:12 p.m.)

Supervisor Lusk stated that in January of this year he shared with the Board the results of an initiative piloted in the Lee District designed to assist those who are differently abled in better coping with the stress and anxiety associated with routine traffic stops. As the Board may remember from that discussion, many of those facing physical or behavioral health challenges in the County are able to obtain a driver's license yet choose not to drive due to the anxiety that they experience during such stops.

The pilot was coordinated through a partnership between the Fairfax County Police Department (FCDP), the Arc of Northern Virginia, members of the School Board, and his office—and involved simulated traffic stops where FCPD officers and differently-abled students had the opportunity to learn from one another about how to best handle these interactions.

At that time, the Board requested that he work with FCPD to inform the Board on the details of the training. In response to that request, a copy of a memo submitted on behalf of FCPD is attached to his Board Matter.

In that memo, Major Gregory Fried makes the following concluding remarks: “This mock traffic stop experience was beneficial to the parents, students, and the officers. Some officers involved in this initiative never experienced the level or types of disabilities that some of the participants presented. Officers involved worked proactively to develop a card that those that may have a disability could present to an officer at the beginning of a traffic stop. Participants came from all over Fairfax County to participate, well outside of the Franconia Police District. We also received follow-up requests for additional dates. This initiative appeared to be incredibly well-received by all involved...I firmly believe that developing relationships through these experiences make our police officers woven into our community's fabric and offers a different experience for expanding everyone's lens.”

As a result of Major Fried's memo, and the success of the pilot, Supervisor Lusk stated that he is pleased to announce to the Board and to the public that Police Chief Davis has directed similar trainings to be held in all eight patrol districts before the end of this calendar year, and on a singular day in order to increase visibility.

Additionally, School Board Member Rachna Sizemore-Heizer is simultaneously working with School staff, as well as her colleagues on the School Board, to examine the feasibility of incorporating such trainings into all School drivers education curriculum.

Therefore, in light of the memo's conclusions, and the initiative currently being undertaken by both FCPD and Schools, and jointly with Supervisor Alcorn, Supervisor Lusk moved that that the Board direct the Office of Public Affairs to coordinate with FCPD, on its pending training day for the eight patrol districts across the County, to maximize the training's visibility and accessibility to all residents who could potentially benefit from it. Chairman McKay seconded the motion and it carried by unanimous vote.

30. **EMERGENCY PREPAREDNESS PUBLIC INFORMATION AND PROCLAMATION REQUEST DESIGNATING SEPTEMBER 2021 AS “EMERGENCY PREPAREDNESS MONTH” IN FAIRFAX COUNTY**
(12:17 p.m.)

Supervisor Lusk stated that with the 20th anniversary of 9/11 being observed this past weekend, and as the Board continues to work together to overcome the impacts of the current pandemic, it is critical that the Board ensure that the County remains resilient to any form of emergency.

The Office of Emergency Management (OEM) has done an exemplary job, especially over the past 18 months, of maintaining and bolstering that resiliency. From OEM's Community Emergency Response Guide, the County's sophisticated Emergency Alert System, and the incredible work of the volunteer Community Emergency Response Team—there are numerous initiatives and resources available to residents that many may not be aware of.

Therefore, jointly with Chairman McKay, Supervisor Lusk moved that the Board:

- Direct staff from OEM and the Office of Public Affairs to create a public information package on emergency preparedness that both the County and Board Members can share with the public
- Declare September 2021 be declared as “*Emergency Preparedness Month*” in Fairfax County
- Direct staff to prepare a Proclamation in recognition of this declaration, as well as to express the gratitude of the Board for the exemplary work of the women and men within the OEM, to be presented at the October 5, 2021, Board Meeting

Chairman McKay seconded the motion and it carried by unanimous vote.

31. **SIXTH ANNUAL TOUR DE MOUNT VERNON (MOUNT VERNON DISTRICT)** (12:19 p.m.)

Supervisor Storck stated that it's that time of the year again – the 6th Annual Tour de Mount Vernon Community Bike Ride will be on October 23, 2021. This year the riding will be in the northern portion of the Mount Vernon District, beginning and ending at the Woodlawn and Pope Leighey House. Again this year, there will be a 20-mile short ride and a 35+mile long ride, so riders of all levels are welcome. Riders will roll past Mount Vernon Estate, Gristmill, Fort Hunt Park, River Farm, Gum Springs, the National Museum of the US Army, and Fort Belvoir. This event continues to grow with the help of partner, Fairfax Alliance for Better Bicycling.

Last year due to COVID-19, the event was capped at 250 riders, and many were turned away. This year, all are welcome! There will be a rolling start to encourage safe COVID protocols and to keep everyone safe. This event is focused on encouraging community members to explore the many treasures of the Mount Vernon District.

Additional information and the registration portal can be found by visiting the Mount Vernon District webpage.

Therefore, Supervisor Storck asked unanimous consent that the Board direct the Office of Public Affairs to publicize the 2021 Tour de Mount Vernon. Without objection, it was so ordered.

32. **COMMUNITY-WIDE ENERGY AND CLIMATE ACTION PLAN (CECAP) FINAL REPORT** (12:22 p.m.)

Supervisor Storck stated that the planning phase for the CECAP has culminated and the final report has been delivered for the Board's consideration and acceptance. The Report executive summary is included with this Board Matter and the full Report is available on the Office of Environmental and Energy Coordination (OEEC) website at https://www.fairfaxcounty.gov/environment-energycoordination/sites/environmentenergycoordination/files/assets/images/cecap%20report%20release/cecap%20draft_designed%20report_sept%202021_release_508.pdf.

When the planning process was first approved by the Board in September 2019, CECAP was envisioned as a community-driven process focused on reducing greenhouse gas (GHG) emissions in the County. Only five percent of emissions in the County are attributable to government and school operations. To address the remaining 95 percent of emissions, it was vital that community members be heavily involved in and able to take ownership of the plan. As such, the CECAP Final Report includes community-developed goals, strategies and actions to achieve emissions reductions including an overall goal to be carbon neutral by 2050.

Overseen by the OEEC, with support from consultants, the CECAP planning process started with kickoff meetings of the nine district-level Focus Groups, and the larger County-wide Task Force in January 2020. As a result of the COVID-19 pandemic, many changes were made to the planned CECAP format, including a transition to electronic meetings for the remainder of the process, and an eventual consolidation of the Focus Groups and Task Force into the Working Group. Working Group meetings were held electronically from December 2020 through June 2021. Public input was ongoing throughout the process due to the community representatives on the Focus Groups, Task Force and Working Group. County-wide public feedback was sought at three different points through virtual meetings and public surveys throughout the CECAP planning process, with over 4,500 responses received.

As presented in the CECAP Final Report, community members serving on the CECAP groups considered a variety of technical materials, made determinations on Greenhouse Gas (GHG) emission goal levels, and generated strategies and actions to address these goals based on emission reduction potential, impact categories, and other factors related to implementation. The CECAP Final Report details the overall community goal of carbon neutrality by 2050, as well as interim GHG reduction goals of 50 percent for 2030 and 75 percent by 2040. Additionally, sector-level goals are identified for energy, transportation, waste, and natural resources. The report further details strategies and actions to provide a pathway to achieve these goals as well as recommended activities for implementation. Together, the strategies and actions are intended to empower individuals and

organizations within the community to engage in, lead and champion the emissions reductions required to achieve county-wide carbon neutrality.

Climate change is an existential crisis already causing major impacts in the County. The report concedes that there are significant challenges in addressing the climate crisis but, with this plan, there is a positive path forward to accept the challenge and act in the County. CECAP is a creative plan that builds on best practices and recognizes the need to adapt as technology and innovation spur new ideas over time. The Board would like to recognize the efforts of the community members, particularly the Working Group, for its role in creating this CECAP Report and ask for its continued dedication, engagement and leadership as the County moves into the implementation phase. It will take all of us working together to meet the climate crisis head on.

The County is committed to being a leader and a catalyst for action to address climate change as stated in the County's Carbon Neutral Counties Declaration, Operational Energy Strategy, and many related green initiatives that complement the CECAP.

Therefore, jointly with Chairman McKay, Supervisor Storck moved that the Board:

- Accept the CECAP Final Report
- Direct OEEC, with support of relevant County agencies, to prepare a community implementation plan to guide both short-term and long-term strategies, actions and recommendations described in the Report. The short-term implementation should focus on CECAP recommendations to initiate public outreach and education, build on existing initiatives and programs relevant to CECAP and consider the proposed legislative items
- Direct staff to report early in 2022 with the short-term implementation plan for review at the Board's Environmental Committee meeting

Chairman McKay seconded the motion.

Discussion ensued regarding the following:

- Cost impacts
- Increase in tree density
- Impact on housing affordability
- The need to the County's part
- The cost of taking no action

Following discussion, the question was called on the motion and it carried by a vote of nine, with Supervisor Herrity being out of the room.

33. **EXPEDITED AND CONCURRENT PROCESSING FOR WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) HUNTINGTON METRO COMPREHENSIVE DEVELOPMENT PLAN/FINAL DEVELOPMENT PLAN (CDP/FDP) AND SITE-SPECIFIC PLAN AMENDMENT (SSPA)** (12:51 p.m.)

Supervisor Storck stated that the Huntington Metro Station serves as the southern terminus of Metro's Yellow Line and provides the only direct connection for some communities to the Metro System. Consistent with the Embark Comprehensive Plan Update, the Huntington Metro Station will also serve as the connection point for the future Bus Rapid Transit (BRT) system proposed for Richmond Highway.

On January 26, 2021, the Board authorized the consideration of Plan Amendment PA-2021-00005, to evaluate a plan option for the future redevelopment of the 30-acre Huntington Metro Station with mixed-use up to 1.5 floor area ratio (1.8 million square feet), including: public facilities for Huntington Metrorail Station, 360,000 square feet office/retail use, and 2,250 - 2,350 dwelling units on subject parcels in low, mid, and high-rise buildings between 55 and 200 feet in height. This Plan Amendment study is currently in process.

WMATA's proposed redevelopment of the Huntington Metro Station is not happening in a vacuum. The Huntington Metro Station lies adjacent to the Huntington Club property and will require detailed coordination with that project to ensure viable interconnectivity.

In addition, on June 16, 2021, Amazon and WMATA announced a \$125 million commitment to create more than 1,000 new affordable housing units at Metro Stations throughout the Washington, D.C. metropolitan region. This commitment provides a valuable additional source of funding for affordable housing, beyond competitive VDH tax credit programs and the County's own efforts to promote such projects on County-owned land.

To ensure prompt action on this commitment, eligible projects on WMATA properties are required to have obtained all necessary development approvals by the Fall of 2024. To achieve this deadline, WMATA will need to obtain the requisite rezoning (CDP and FDP) and site plan approvals for the Huntington Metro Station.

Processing the rezoning of the Huntington Metro Station and any concurrent site plans will also enable the affordable housing component of this redevelopment to achieve the deadlines required for funding eligibility under the Amazon-WMATA commitment.

Therefore, Supervisor Storck moved that the Board approve:

- Expedited processing for WMATA's future rezoning case (including CDP and concurrent FDP for the affordable housing and transportation infrastructure components), which will be submitted shortly, so that they can be considered concurrently with the Plan Amendment study
- Concurrent processing of site plans associated with the future rezoning of the Huntington Metro Station, at the Applicant's risk

This motion should not be construed as a favorable recommendation by the Board for any of the aforementioned applications and reviews, nor does it relieve the applicant from compliance with the provisions of all applicable ordinances, regulations or adopted standards

Supervisor Palchik seconded the motion and it carried by unanimous vote.

34. **INTRODUCTION OF INTERN** (12:55 p.m.)

Supervisor Storck introduced Peyton Smith, an intern in his office. On behalf of the Board, he welcomed Mr. Smith to the County.

35. **ACCESS TO PUBLIC WATER AND SEWER SERVICES** (12:56 p.m.)

Supervisor Palchik stated that this year, her office has been in touch with a Tinner Hill resident regarding the difficulties they were experiencing in receiving assistance to access public water and sewer services. With the well on the property no longer being a viable source of water, this family has been struggling to find an affordable option to access clean water.

After working with staff from across the County, she expressed surprise to learn that there are no ready options to provide assistance to families needing access to public water services. Although programs are available for smaller home projects for families in need, programs are not available for projects of this magnitude, where the cost to establish a water hook-up through Fairfax Water is \$25,000 before accounting for additional plumbing expenses. Access to clean water is a right that no family should struggle to achieve. And although this particular issue relates to a Providence District family, there are no doubt other families across the County who have experienced similar difficulties.

Therefore, jointly with Chairman McKay, Supervisor Palchik moved that the Board direct staff to work with its partners at Fairfax Water to investigate options to assist families in need of access to public water and sewer services and report to the Board with recommendations on a proposed program, including selection guidelines and funding options, no later than November 2021. This timeline should allow for Board consideration for potential inclusion of the appropriate funding as part of the Fiscal Year 2022 Mid-Year Review. Staff should explore various funding options including, but not limited to, County General Funds, County stimulus funds

received through the American Rescue Plan Act, and funds which may be available as a result of the recent General Assembly Special Session. Chairman McKay seconded the motion and it carried by unanimous vote.

36. **PROVIDENCE DISTRICT SUPERVISOR ANNOUNCEMENT** (1:05 p.m.)

Supervisor Palchik announced that she is currently expecting her first child and that Joe Mondoro, Chief Financial Officer, who will be retiring soon, will be helping her office during the upcoming budget season.

37. **RESOLUTION OF RECOGNITION REQUEST FOR ST. PAUL CATHOLIC CHURCH (SPRINGFIELD DISTRICT)** (1:05 p.m.)

Supervisor Herrity stated that in 1996, St. Paul Chung Catholic Church became a parish in Centreville, Virginia as part of the Diocese of Arlington. The roots of the church go back to about 35 years ago when St. Andrew's Catholic Church was established in College Park, Maryland in 1981. Korean-speaking congregants celebrated sacraments at St. Bernadette in Springfield, St. John the Beloved in McLean and St. Lawrence in Alexandria before they purchased land in 1995 for a permanent home in Fairfax. Following the growth of St. Andrew's and recognizing the need of a Korean-language Catholic Church in Fairfax, on February 1, 1996, Bishop John R. Cutting of the Diocese of Arlington established St. Paul's Catholic Church in the County as the 61st church in the Diocese of Arlington with a focus on Korean-speaking Catholics within the jurisdiction of Diocese of Arlington in accordance with Article 512, Paragraph 2 of the Canon Law. Since then, the church has grown from approximately 1,100 parishioners in 1996 to the present-day congregation of 6,500.

For 25 years, St. Paul Chung Catholic Church has operated Sunday Schools as well as Korean Language schools to ensure both the spiritual needs and cultural needs of the congregation are met. Named after early lay leader and martyr St. Paul Chung (Paul Chong Hasang), the Church honors one of the 103 canonized Korean Martyrs who perished during the repression of Catholicism in 18th Century Joseon Korea. This was a period marked by turmoil during which nearly 10,000 Korean Christians perished.

Presently, St. Paul Chung serves a unique mission in helping to welcome new immigrants from Korea and serving the Korean-speaking community of the region with a place for worship for the Catholic faithful.

Therefore, Supervisor Herrity asked unanimous consent that Board direct staff to prepare a resolution of recognition for St. Paul Chung Catholic Church, in recognition of its 25th anniversary and service to the community, to be signed by the Chairman and Springfield District Supervisor and presented to Father Tae Jin Kim at one of its anniversary events. Without objection, it was so ordered.

38. **CONFEDERATE NAMES TASK FORCE MEMBERSHIP** (1:06 p.m.)

(BAC) Supervisor Herrity stated that on July 13, 2021, the Board established the Confederate Names Task Force to review the names of Lee Highway (U.S. Route 29) and Lee-Jackson Memorial Highway (U.S. Route 50.) By the end of 2021, the Task Force is to make a recommendation to the Board on whether to change the name of one or both roadways and provide suggested new names if changes to the existing names are recommended. As part of the creation of the Task Force, the Board also approved the list of its membership. Since that time, one of the members recommended by the Springfield District, Mr. John Morrissey, has asked to step down due to work conflicts.

Therefore, Supervisor Herrity moved that the Board appoint Ms. Jenee Lindner, representing the Friends of the Historic Fairfax Courthouse, as a replacement for Mr. Morrissey as a member of the Task Force. Chairman McKay seconded the motion and it carried by unanimous vote.

39. **WAIVER OF THE TRASH DISPOSAL FEE FOR CENTREVILLE DAY**
(1:07 p.m.)

Supervisor Smith stated that the 29th annual Centreville Day takes place in Centreville's Historic District on Saturday, October 16, 2021, sponsored by The Friends of Historic Centreville. The festivities include a parade, live entertainment, crafters, local businesses, community groups and food vendors, children's activities, and tours of the Historic District.

The Friends of Historic Centreville is a non-profit organization and the proceeds from the event go towards developing Historic Centreville Park, financing educational programs for students from Title I elementary schools, supporting local Scouting projects, and other charitable causes.

Therefore, Supervisor Smith moved that the Board direct staff to waive the fees for the trash disposal and work with the American Disposal Services, who provides trash removal for the event. Chairman McKay seconded the motion and it carried by unanimous vote.

40. **CERTIFICATE OF RECOGNITION REQUEST FOR GEORGE ALBER**
(1:07 p.m.)

Supervisor Smith stated that George Alber, a long-time resident of Centreville, recently passed away. Mr. Alber was married to Evelyn Spain, her representative on the Planning Commissioner. Mr. Alber worked for General Electric for 27 years and later founded his own tech startup- UUNET. Mr. Alber served as a Commissioner on the Human Rights Committee and was an active member of the National Association for the Advancement of Colored People (NAACP). In 2015, Mr. Alber served as an advisor to students seeking to change the name of JEB Stuart High School and later worked on renaming Robert E. Lee High School, which both

are now known as Justice High School and John E. Lewis High School. Most recently he served on the County's Confederate Names Task Force.

Mr. Alber was also an active member of Grace Covenant Church. His tireless dedication to the greater community helped move the County forward and showed how advocacy and education can be used as tools of comprehensive change. His legacy will be one of tenacity, determination, and compassion to make life better in the community.

Therefore, Supervisor Smith asked unanimous consent that the Board direct staff to prepare a certificate of recognition for Mr. Alber's life's work, to be signed by the Chairman and the Sully District Supervisor, to be presented out of the Board Room at a future date. Without objection, it was so ordered.

KK:kk

AGENDA ITEMS

41. **ADMINISTRATIVE ITEMS** (1:09 p.m.)

Supervisor Gross moved approval of Administrative Items 1-12. The second to the motion was inaudible.

Chairman McKay asked to amend the motion to consider Admin 5 separately, this was accepted.

The question was called on the motion, as amended and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting "AYE."

(NOTE: The Board considered Admin 5 separately. See Clerk's Summary Item #42)

ADMIN 1 – APPROVAL OF A “WATCH FOR CHILDREN” SIGN AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (PROVIDENCE DISTRICT)

- Authorized the installation of one “Watch for Children” sign on Bethany Court (Providence District)
- Directed staff of the Department of Transportation to schedule installation of the approved “Watch for Children” sign as soon as possible

ADMIN 2 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (LEE DISTRICT)

- (R)
- Adopted the Resolution endorsing the following traffic calming measure:
 - Four speed humps on Bush Hill Drive (Lee District)
 - Directed staff of the Department of Transportation to schedule the installation of the approved measures as soon as possible

ADMIN 3 – DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM

- Designated the following individual, identified with a registration number, as a Plans Examiner:
 - Gregory James Ellwood (#344)
- Designated the following individuals, identified with their registration numbers, as inactive Plans Examiners:
 - Michael Albright (#315)
 - Carlyle Brady (#110)
 - Alan Christoe (#326 – Moved out of area)
 - Greg Davis (#129 – Retired)
 - Alex Holleman (#312 – Moved out of area)
 - Joseph McClellan (#102 – Retired)
 - Sulaiman Sahebian (#191 – Retired)
 - Keith Simpson (#314)

ADMIN 4 – STREET INTO THE SECONDARY SYSTEM (DRANESVILLE DISTRICT)

- (R)
- Approved the request that the street listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Mehr Farms	Dranesville	Greyson Woods Lane

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON AN ORDINANCE TO AMEND CHAPTER 3 OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA, COUNTY EMPLOYEES, BY ADDING ARTICLE 10, COLLECTIVE BARGAINING, SECTIONS 3-10-1 THROUGH 3-10-18

(NOTE: Earlier in the meeting, action was taken to consider this item separately. See page #32.)

(NOTE: Later in the meeting, action was taken regarding this item. See Clerk’s Summary Item #42.)

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE TO EXPAND THE SINGLETON’S GROVE COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 5, 2021, at 3:30 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to expand the Singleton’s Grove CPD. The proposed expansion includes Old Centreville Road (Route 858), from Tanners House Way, east side, to the cul-de-sac inclusive; and, west side, from the cul-de-sac to the commercial zoning boundary, within the residentially zoned area.

ADMIN 7 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (MASON DISTRICT)

- (R)
- Adopted the Resolution endorsing the following traffic calming measures:
 - One speed hump on Aspen Lane (Mason District)
 - Directed staff of the Department of Transportation to schedule the installation of the approved measures as soon as possible

ADMIN 8 – APPROVAL OF TRAFFIC CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (MASON DISTRICT)

- (R)
- Adopted the Resolution endorsing the following traffic calming measures:

- Two speed humps on Holmes Run Road (Mason District)
- Directed staff of the Department of Transportation to schedule the installation of the approved measures as soon as possible

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE PROPOSED ISSUANCE OF A SUBORDINATE WASTEWATER REVENUE BOND SERIES 2021A IN CONNECTION WITH FAIRFAX COUNTY ECONOMIC DEVELOPMENT AUTHORITY (EDA) FAIRFAX COUNTY FACILITIES REVENUE BONDS, SERIES 2021A (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 5, 2021, at 3:30 p.m.**, to consider the proposed issuance of the Subordinate Wastewater Revenue Bond in connection with the EDA Bonds.

ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO VACATE PORTIONS OF 7TH PLACE AND UNNAMED RIGHT OF WAY (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 19, 2021, at 3:30 p.m.**, to consider a proposal to vacate portions of 7th Place and Unnamed Right of Way.

ADMIN 11 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO FAIRFAX COUNTY CODE SECTION 82-5-32, REMOVAL, IMMOBILIZATION, AND DISPOSITION OF VEHICLES UNLAWFULLY PARKED ON PRIVATE OR COUNTY PROPERTY

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 5, 2021, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 82 (Motor Vehicles and Traffic), Section 82-5-32, Removal, Immobilization, and Disposition of Vehicles Unlawfully Parked on Private or County Property. The proposed amendment will increase fees for trespass towing.

ADMIN 12 – SUPPLEMENTAL APPROPRIATION RESOLUTION AS 22095 FOR THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT TO ACCEPT GRANT FUNDING FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR THE CONTINUUM OF CARE PLANNING PROJECT GRANT

- (SAR) Approved SAR AS 22095 in the amount of \$265,626 from HUD for the Continuum of Care planning activities. Funding will support one full-time exempt new grant

position along with an existing one full-time exempt grant position for a total of two full-time exempt grant positions. No local cash match is required.

42. **ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON AN ORDINANCE TO AMEND CHAPTER 3 OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA, COUNTY EMPLOYEES, BY ADDING ARTICLE 10, COLLECTIVE BARGAINING, SECTIONS 3-10-1 THROUGH 3-10-18**

(A) (NOTE: Earlier in the meeting, action was taken to consider this item separately. See page #32.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board authorize the advertisement of a public hearing to be held before the Board on **October 5, 2021, at 4 p.m.**, to consider proposed amendments to the Code of the County of Fairfax, Chapter 3, by adding Article 10, Collective Bargaining, Sections 3-10-1 through 3-10-18, with the following additional direction:

- Advertise all the options listed as such in Attachment 1 to Administrative Item #5 so that these matters can be resolved at the public hearing on the ordinance
- As part of the definition of “supervisor” in Section 3-10-2 of the draft collective bargaining ordinance, advertise the ordinance with an option for the Board to consider whether it wishes to substitute “Second Lieutenant” for “Captain” in establishing which employees will be considered a supervisor in the Fairfax County Police Department

Vice-Chairman Gross seconded the motion.

Discussion ensued with Board Members expressing their views/concerns and support/non-support of the motion.

The question was called on the motion and it carried by a recorded vote of nine, Supervisor Herrity voting “NAY.”

Vice-Chairman Gross returned the gavel to Chairman McKay.

43. **A-1 – APPROVAL OF A BOARD OF SUPERVISORS' DRAFT REGULAR MEETING SCHEDULE FOR CALENDAR YEAR 2022** (1:20 p.m.)

On motion of Supervisor Gross, the second to which was inaudible, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the draft regular meeting schedule for January through December 2022.

44. **A-2 – PRESENTATION OF THE DELINQUENT TAX LIST FOR TAX YEAR 2020 (FISCAL YEAR 2021)** (1:21 p.m.)

Chairman McKay relinquished the Chair to Vice-Chairman Gross and moved that the Board concur in the recommendation of staff and direct staff to:

- Continue to pursue the collection of delinquent taxes found in Attachment A and continue collection of non-tax delinquencies
- Remove certain small uncollectable overdue accounts listed in Attachments B and C of the Board Agenda Item pursuant to *Virginia Code*, Section 58.1-3921

Vice-Chairman Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

45. **A-3 – APPROVAL OF REVISIONS TO CHAPTERS 1, 2, 5, 7, 16, AND 17 OF THE PERSONNEL REGULATIONS DUE TO LEGISLATION PASSED BY THE 2021 SPECIAL SESSION 1 OF THE VIRGINIA GENERAL ASSEMBLY** (1:21 p.m.)

On motion of Supervisor Gross, seconded by Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the proposed revisions to Chapters 1, 2, 5, 7, 16, and 17 of the Personnel Regulations, as outlined in the Board Agenda Item.

46. **A-4 – APPROVAL OF REVISIONS TO PROCEDURAL MEMORANDUM NUMBER 11-01, EXEMPT SERVICE** (1:22 p.m.)

On motion of Supervisor Gross, seconded by Supervisor Lusk, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved the proposed revisions to Procedural Memorandum Number 11-01, Exempt Service, as outlined in the Board Agenda Item.

47. **A-5 – APPROVAL OF THE LOCAL STORMWATER MANAGEMENT GRANT PROGRAM PHASE I** (1:22 p.m.)

On motion of Supervisor Gross, seconded by Supervisor Palchik, and carried by unanimous vote, the Board concurred in the recommendation of staff and approved \$150,000 of the Department of Public Works and Environmental Services Stormwater funding in Fiscal Year 2022 to support additional projects selected through the existing Northern Virginia Soil and Water Conservation District administered Conservation Assistance and Virginia Conservation Assistance Programs.

48. **A-6 – APPROVAL OF A JOINT FUNDING AGREEMENT (JFA) – FAIRFAX COUNTY PARTNERSHIP WITH THE UNITED STATES GEOLOGICAL SURVEY (USGS) FOR THE ASSESSMENT OF REACH- AND WATERSHED-SCALE RESPONSES TO STREAM RESTORATION IN LONG BRANCH, FAIRFAX, VIRGINIA** (1:23 p.m.)

On motion of Supervisor Gross, seconded by Supervisor Lusk, and carried by unanimous vote, the Board concurred in the recommendation of staff and authorized the County Executive to sign the JFA between the County and the USGS in the amount of \$194,000 to assess reach and watershed-scale responses to the planned restoration of the Long Branch watershed in the County.

49. **A-7 – APPROVAL OF A RESOLUTION AUTHORIZING THE DEPARTMENT OF TRANSPORTATION (DOT) TO APPLY FOR FUNDING FOR THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION’S TRANSIT (DRPT) RIDERSHIP INCENTIVE PROGRAM** (1:23 p.m.)

- (R) On motion of Supervisor Alcorn, multiply seconded, and carried by unanimous vote, the Board concurred in the recommendation of staff and adopted the project endorsement Resolution authorizing DOT to apply for funding in the amount of approximately \$3 million from the DRPT Transit Ridership Incentive Program. Funding includes approximately \$600,000 in local cash match which is available in Fund 40000, County Transit Systems.

50. **A-8 – AUTHORIZATION TO SIGN STANDARD PROJECT AGREEMENTS (SPA) FOR DISTRIBUTION OF I-395/I-95 TOLL REVENUES TO MULTI-MODAL PROJECTS IN THE I-395/I-95 CORRIDOR (LEE, MOUNT VERNON AND SPRINGFIELD DISTRICTS)** (1:24 p.m.)

- (R) On motion of Supervisor Alcorn, jointly seconded by Supervisor Lusk and Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and adopted a Resolution authorizing the Director of the Department of Transportation to sign the SPAs between the County, the Northern Virginia Transportation Commission, and the Potomac Rappahannock Transportation Commission for distribution of \$3,882,529 in I-395/I-95 toll revenues. These funds will be allocated by the NVTC and PRTC to the County for renewal of operating funds for Fairfax Connector Route 396 and enhanced bus service for Route 371.

51. **A-9 – ENDORSEMENT OF RECOMMENDATIONS TO GEORGE MASON UNIVERSITY ON THE MASTER PLAN - PHASE ONE PROGRESS REPORT (BRADDOCK DISTRICT)** (1:25 p.m.)

Supervisor Walkinshaw moved that the Board concur in the recommendation of staff and authorize the Chairman, on behalf of the Board, to sign a letter endorsing

areas of interest to guide development by George Mason University of its master plan.

Following a brief discussion regarding the endorsement recommendations, the question was called on the motion and it carried by unanimous vote.

52. **A-10 – APPROVAL OF A RESOLUTION ENDORSING PROJECTS BEING SUBMITTED FOR FISCAL YEAR (FY) 2027 AND FY 2028 VIRGINIA DEPARTMENT OF TRANSPORTATION REVENUE SHARING PROGRAM FUNDS (BRADDOCK, SPRINGFIELD, AND PROVIDENCE DISTRICTS)** (1:27 p.m.)

(R) On motion of Supervisor Alcorn, jointly seconded by Supervisor Palchik and Chairman McKay, and carried by unanimous vote, the Board concurred in the recommendation of staff and adopted a Resolution endorsing two County transportation projects for submission to the FY 2027 and FY 2028 Revenue Sharing program.

53. **A-11 – APPROVAL OF A RESOLUTION ENDORSING PROJECTS BEING SUBMITTED TO THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY (NVTA) FOR FISCAL YEAR 2022 TO FISCAL YEAR 2027 REGIONAL FUNDING** (1:28 p.m.)

(R) On motion of Supervisor Alcorn, seconded by Supervisor Storck, and carried by unanimous vote, the Board concurred in the recommendation of staff and:

- Adopted a Resolution endorsing Fairfax County's, and other localities, project submissions for NVTA's regional funding program
- Authorized the Department of Transportation to submit the related applications

54. **C-1 – APPROVAL OF THE AMENDMENTS TO THE BYLAWS FOR THE FAIRFAX COUNTY CONSUMER PROTECTION COMMISSION (CPC)** (1:28 p.m.)

The Board next considered an item contained in the Board Agenda regarding amended bylaws for the CPC.

Supervisor Gross moved that the Board adopt the proposed amendments to the bylaws for the CPC. Chairman McKay seconded the motion and it carried by unanimous vote.

55. **C-2 – APPROVAL OF THE AMENDMENTS TO THE BYLAWS FOR THE FAIRFAX COUNTY TENANT-LANDLORD COMMISSION (TLC)** - (1:29 p.m.)

The Board next considered an item contained in the Board Agenda regarding amended bylaws for the TLC.

Supervisor Gross moved that the Board adopt the proposed amendments to the bylaws for the TLC. Supervisor Lusk seconded the motion and it carried by unanimous vote.

56. **C-3 – APPROVAL OF THE BYLAWS FOR THE FAIRFAX COUNTY TRESPASS TOWING ADVISORY BOARD (TTAB)** (1:29 p.m.)

The Board next considered an item contained in the Board Agenda regarding bylaws for the TTAB.

Supervisor Gross moved that the Board adopt the proposed bylaws for the TTAB. Supervisor Lusk seconded the motion.

Supervisor Gross asked unanimous consent that the Board direct the Clerk to report with information regarding whether any Board, Authority or Commission is in arrears with its bylaws. Without objection, it was so ordered.

The question was called on the motion and it carried by unanimous vote.

57. **I-1 – COUNTY HOLIDAY SCHEDULE – CALENDAR YEAR (CY) 2022** (1:30 p.m.)

The Board next considered an item contained in the Board Agenda, presenting the County holiday schedule for CY 2022.

DMS:dms

58. **RECESS/CLOSED SESSION** (1:31 p.m.)

Supervisor Gross moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in Virginia Code Section (§) 2.2-3711 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2 3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).

- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
1. *CoreSite Real Estate 12100 Sunrise Valley Drive L.L.C. v. County of Fairfax, Virginia*, Case No. CL-2020-0003780 (Fx. Co. Cir. Ct.) (Hunter Mill District)
 2. *Laboratory Corporation of America v. County of Fairfax, Virginia*, Case Nos. CL-2018-0018274; CL-2019-0006739 (Fx. Co. Cir. Ct.)
 3. *Cisco Systems, Inc. v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2021-0010265 (Fx. Co. Cir. Ct.)
 4. *Clyde A. Miller and Carol A. Hawn v. Board of Supervisors of Fairfax County*, Case No. CL-2021-0006071 (Fx. Co. Cir. Ct.) (Countywide)
 5. *Capital Investment Advisors, Inc. v. Fairfax County Human Rights Commission, Fairfax Office of Human Rights and Equity Programs, and Fairfax County Board of Supervisors*, Case No. CL-2021-0001752 (Fx. Co. Cir. Ct.)
 6. *Board of Supervisors of Fairfax County, Virginia ex rel. Fairfax County Human Rights Commission v. Quantum Real Estate Management, LLC et. al.*, CL-2020- 0014364 (Fx. Co. Cir. Ct.) (Mason District)
 7. *Samira Koussa v. Edwin C. Roessler Jr. and John Doe Officers*, Case No. CL2020-0010604 (Fx. Co. Cir. Ct.)
 8. *County of Fairfax, Virginia, ex rel. Joseph A. Glean v. Fairfax County Board of Supervisors*, Case No. CL-2021-0004227 (Fx. Co. Cir. Ct.)
 9. *Vijai part Parthiban Ekkadu Pattu, by GEICO, subrogee v. Enoch Green*, Case No. GV21-004748 (Fx. Co. Gen. Dist. Ct.)
 10. *Christina Medrano, by GEICO Advantage Ins. Co., subrogee v. Thaddeus Joseph Kolwicz and Fairfax County Police Department*; Case No. GV21-011095 (Fx. Co. Gen. Dist. Ct.)

11. *Hiba Aziz, Building Official v. Jong Hun An*, Case No. GV21-008082 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
12. *Jay Riat, Building Official for Fairfax County, Virginia v. Charles V. Duran*, Case No. GV21-009782 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
13. *Jay Riat, Building Official for Fairfax County, Virginia v. Huu D. Tran and Nhanh T. Le*, Case No. GV21-010214 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
14. *Jay Riat, Building Official for Fairfax County, Virginia v. Thomas Burch*, Case No. GV21-013462 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
15. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Mishal H. Al-Thani*, Case No. CL-2018-0001769 (Fx. Co. Cir. Ct.) (Dranesville District)
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Abu Kamara*, Case No. CL-2021-0011020 (Fx. Co. Cir. Ct.) (Dranesville District)
17. *Elizabeth Perry, Property Maintenance Code Official v. The Barbara B. Fierce Trust*, Case No. GV 20-00881 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
18. *Hiba Aziz, Building Official for Fairfax County, Virginia v. David E. Levanson, Trustee Under the David E. Levanson Trust Dated June 3, 2009*, Case No. GV21-009756; *Hiba Aziz, Building Official for Fairfax County, Virginia v. Caitlin B. Levanson, Trustee Under the Caitlin B. Levanson Trust Dated June 3, 2009*, Case No. GV21-009761, *Hiba Aziz, Building Official for Fairfax County, Virginia v. Federal Home, LLC*, Case No. GV21-009762 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
19. *Hiba Aziz, Building Official for Fairfax County, Virginia v. Kurt Adam Janssen*, Case No. GV21-011174 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
20. *Hiba Aziz, Building Official for Fairfax County, Virginia v. Porcier-Miller LLC*, Case No. GV21-011175 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Vinson Hall, LLC*, Case No. GV21-012919 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
22. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Bruce A. Blackerby*, Case No. CL-2020-0005195 (Fx. Co. Cir. Ct.) (Hunter Mill District)
23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ronald Charles Hall*, Case No. CL-2020-0020427 (Fx. Co. Cir. Ct.) (Hunter Mill District)
24. *Leslie Johnson, Fairfax County Zoning Administrator v. Salena Azaad*, Case No. CL- 2021-7584 (Fx. Co. Cir. Ct.) (Hunter Mill District)
25. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County v. Ben Thomas*, Case No. CL-2020-0008874 (Fx. Co. Cir. Ct.) (Hunter Mill District)
26. *Hiba Aziz, Code Official for Fairfax County, Virginia v. Chuanhao Jin and Yanguan Jin*, Case No. GV21-008876 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
27. *Jay Riat, Building Official for Fairfax County, Virginia v. Leijlifer Sinani and Brunilda Bajraktari*, Case No. GV21-010613 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
28. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Purple Sage Cluster Association*, Case No. GV21-013716 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
29. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Keun Hoon Lee and Yong Ja Lee*, Case No. CL-2019-0000700 (Fx. Co. Cir. Ct.) (Lee District)
30. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia and Leslie B. Johnson, Fairfax County Zoning Administrator v. Alwadi, LLC*, Case No. CL-2019-0017284 (Fx. Co. Cir. Ct.) (Lee District)
31. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Fernando A. Ovalle*, Case No. CL-2018-0015808 (Fx. Co. Cir. Ct.) (Lee District)

32. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Gabriel Marcelo Gamarra*, Case No. CL-2021-0006025 (Fx. Co. Cir. Ct.) (Lee District)
33. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Sysmall I. Warfield*, Case No. CL-2021-0011520 (Fx. Co. Cir. Ct.) (Lee District)
34. *Hiba Aziz, Building Official v. Quang K. On*, Case No. GV21-008079 (Fx. Co. Gen. Dist. Ct.) (Lee District)
35. *Jay Riat, Building Official for Fairfax County, Virginia v. NV Flagging, Inc., f/k/a NV Flagging, LLC*, Case No. GV21-010612 (Fx. Co. Gen. Dist. Ct.) (Lee District)
36. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Yohannes Paulos, Mimi T. Paulos, and Mackeda Y. Paulos*, Case No. GV21-11176 (Fx. Co. Gen. Dist. Ct.) (Lee District)
37. *Elizabeth Perry, Virginia Maintenance Code Official v. Margaret Ayano Lane*, Case No. GV20-10185 (Fx. Co. Gen. Dist. Ct.) (Lee District)
38. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Glenn E. Cannon and Gloria J. Cannon*, Case No. GV21-11839 (Fx. Co. Gen. Dist. Ct.) (Lee District)
39. *Jay Riat, Building Official for Fairfax County, Virginia v. Helen M. Teklay*, Case No. GV21-11840 (Fx. Co. Gen. Dist. Ct.) (Lee District)
40. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Shimeles Legese, Ayda Mengistu, and Tsige Mengistu*, Case No. GV21-013406 (Fx. Co. Gen. Dist. Ct.) (Lee District)
41. *Jay Riat, Building Official for Fairfax County, Virginia v. Anna Sara Lutz*, Case No. GV21-013461 (Fx. Co. Gen. Dist. Ct.) (Lee District)
42. *Jay Riat, Building Official for Fairfax County, Virginia v. Joan C. Wertheimer*, Case No. GV21-013767 (Fx. Co. Gen. Dist. Ct.) (Lee District)

43. *Leslie B. Johnson, Fairfax County Zoning Administrator v. George M. Yaworsky and Zenia M. Yaworsky*, Case No. CL-2018-0014854 (Fx. Co. Cir. Ct.) (Mason District)
44. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Olympia Centre, LLC*, Case No. CL-2021-0001485 (Fx. Co. Cir. Ct.) (Mason District)
45. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Andrew Francis Zaccardi*, Case No. CL-2021-0010002 (Fx. Co. Cir. Ct.) (Mason District)
46. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Alma Yanira Benavides, William Alexi Bonilla, and Miguel A. Benavides*, Case No. CL-2021-0010339 (Fx. Co. Cir. Ct.) (Mason District)
47. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Phu Bui*, Case No. CL-2021-0010543 (Fx. Co. Cir. Ct.) (Mason District)
48. *Jay Riat, Building Official for Fairfax County, Virginia v. Salvador Gutarra Juarez and Aurora Mariela Gutarra*, Case No. GV21-013402 (Fx. Co. Gen. Dist. Ct.) (Mason District)
49. *Jay Riat, Building Official for Fairfax County, Virginia v. Jian Liu*, Case No. GV21-004457 (Fx. Co. Gen. Dist. Ct.) (Mason District)
50. *Hiba Aziz, Building Official for Fairfax County, Virginia v. Khin W. Myint*, Case No. GV21-006750 (Fx. Co. Gen. Dist. Ct.) (Mason District)
51. *Hiba Aziz, Building Official for Fairfax County, Virginia v. Majeed Sanori and Farah Sanori*, Case No. GV21-006749 (Fx. Co. Gen. Dist. Ct.) (Mason District)
52. *Jay Riat, Building Official for Fairfax County, Virginia v. Marcelino Victor Aria*, Case No. GV21-011666 (Fx. Co. Gen. Dist. Ct.) (Mason District)
53. *Jay Riat, Building Official for Fairfax County, Virginia v. Richard F. Peredo*, Case No. GV21-011667 (Fx. Co. Gen. Dist. Ct.) (Mason District)

54. *Hiba Aziz, Building Official v. Hummer Property and Investment, Inc.*, Case No. GV21-11837 (Fx. Co. Gen. Dist. Ct.) (Mason District)
55. *Jay Riat, Building Code Official for Fairfax County, Virginia v. Scott S. James, Case No. GV21-012048 and Jay Riat, Building Code Official for Fairfax County, Virginia v. Julia S. James*, Case No. GV21-012047 (Fx. Co. Gen. Dist. Ct.) (Mason District)
56. *Jay Riat, Building Code Official for Fairfax County, Virginia v. Charbel C. Markhoul and Rita A. Douaihy*, Case No. GV21-005232 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
57. *Hiba Aziz, Building Official v. Sean and Helen Vermillion*, Case No. GV21- 0006747 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon)
58. *Jay Riat, Building Official for Fairfax County, Virginia v. Kevork Kazanjian and Elizabeth Kazanjian, Trustees of the Kevork Kazanjian Living Trust and the Elizabeth Kazanjian Living Trust*, Case No. GV21-013162 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
59. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Georgette Saad*, Case No. CL-2021-0011212 (Fx. Co. Cir. Ct.) (Mount Vernon District)
60. *Jay Riat, Building Official for Fairfax County, Virginia v. BDC Gunston, LLC*, Case No. GV21-012956 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
61. *Jay Riat, Building Official for Fairfax County, Virginia v. Fullerton Lot Two Associates*, Case No. GV21-013713 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
62. *Jay Riat, Building Official for Fairfax County, Virginia v. Home Properties Mount Vernon, LLC*, Case No. GV21-013711 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
63. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Thomas E. Carmel and Deborah M. Carmel*, Case No. GV21-010614 (Fx. Co. Gen. Dist. Ct.) (Providence District)

64. *Jay Riat, Building Code Official for Fairfax County, Virginia v. Kubrat, LLC*, Case No. GV21-012050 (Fx. Co. Gen. Dist. Ct.) (Providence District)
65. *Jay Riat, Building Official for Fairfax County, Virginia v. Kendall Erickson, Tenant*, Case No. GV21-013101 (Fx. Co. Gen. Dist. Ct.) (Providence District)
66. *Jay Riat, Building Official for Fairfax County, Virginia v. Green Lady Masonry and Remodeling, LLC*, Case No. GV21-013102 (Fx. Co. Gen. Dist. Ct.) (Providence District)
67. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Tysons West Assemblage, LLC, and Kenneth Stewart, d/b/a Tysons Playground*, Case No. CL-2020-0012472 (Fx. Co. Cir. Ct.) (Providence District)
68. *Jay Riat, Building Official for Fairfax County, Virginia v. Shazma Aftab*, Case No. GV21-013769 (Fx. Co. Gen. Dist. Ct.) (Providence District)
69. *Hiba Aziz, Building Official for Fairfax County, Virginia v. Agatha V. Williams* Case No. GV21-004456 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
70. *Hiba Aziz, Building Official for Fairfax County, Virginia v. William A. Taylor and Elisa Taylor*, Case No. GV21-10212 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
71. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Asrat Betew Lulu*, Case No. CL-2021-0011872 (Fx. Co. Cir. Ct.) (Sully District)
72. *Hiba Aziz, Building Official v. Mario Amaro*, Case No. GV21-008077 (Fx. Co. Gen. Dist. Ct.) (Sully District)
73. *Hiba Aziz, Building Official for Fairfax County, Virginia v. Prem K. Mishra and Nimish Mishra*, Case No. GV21-6751 (Fx. Co. Gen. Dist. Ct.) (Sully District)
74. *Board of Supervisors of Fairfax County v. RE/MAX Allegiance*, Case No. GV21- 7841 (Fx. Co. Gen. Dist. Ct.) (Providence District)

And in addition:

- As permitted by Virginia Code Section 2.2-3711(7) and (8), legal analysis regarding the following:
 1. *Filsan Duale v. Fairfax County Police Department, et al.*, Case No. 1:20-cv-1499, *Elon Wilson v. Fairfax County, et al.*, Case No. 1:21-cv-800, and *Lamonta Gladney v. Fairfax County Police Officer Timberlake, et al.*, Case No. 1:21-cv-287, all in the U.S. District Court for the Eastern District of Virginia
 2. *In Re Mallinckrodt Pharmaceuticals Ltd.*, Case No. 20-12522, U.S. Bankruptcy Court for the District of Delaware
 3. Appeal of determination regarding transportation fund proffers associated with Rezoning Application RZ 2010-PR-022
- As permitted by Virginia Code Section 2.2-3711(A)(1), consideration of potential appointment of Executive Director for the Park Authority

Chairman McKay seconded the motion and it carried by unanimous vote.

At 3:34 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman McKay presiding.

ACTIONS FROM CLOSED SESSION

59. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:34 p.m.)

Supervisor Gross moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Chairman McKay seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting "AYE."

60. **ADOPTION OF A RESOLUTION REGARDING THE MALLINCKRODT BANKRUPTCY PLAN** (3:34 p.m.)

- (R) Chairman McKay relinquished the Chair to Vice-Chairman Gross and move that the Board adopt the "Resolution of the Fairfax County Board of Supervisors Authorizing the County's Outside Counsel to Vote on the County's Behalf to Support the Proposed Mallinckrodt Bankruptcy Plan." Vice-Chairman Gross seconded the motion and it carried by unanimous vote.

Vice-Chairman Gross returned the gavel to Chairman McKay.

61. **APPOINTMENT OF JAI COLE AS THE EXECUTIVE DIRECTOR FOR THE PARK AUTHORITY** (3:35 p.m.)

Supervisor Gross moved that the Board approve the Park Authority Board's recommendation to appoint Jai Cole as Executive Director for the Park Authority, with a starting annual salary of \$192,268.00, effective September 15, 2021. Chairman McKay, Supervisor Alcorn, and Supervisor Lusk jointly seconded the motion and it carried by unanimous vote.

62. **AUTHORIZATION OF SETTLEMENT OF THE APPEAL OF THE DETERMINATION REGARDING TRANSPORTATION FUND PROFFERS ACCEPTED IN CONJUNCTION WITH REZONING APPLICATION RZ 2010-PR-022** (3:36 p.m.)

Supervisor Palchik moved that the Board authorize settlement of the appeal of the determination regarding transportation fund proffers accepted in conjunction with Rezoning Application RZ 2010-PR-022, according to the terms and conditions outlined by the County Attorney in Closed Session. Supervisor Alcorn seconded the motion and it carried by unanimous vote.

63. **AUTHORIZATION OF SETTLEMENT FOR CORESITE REAL ESTATE** (3:36 p.m.)

Supervisor Alcorn moved that the Board authorize a settlement of the court case styled *CoreSite Real Estate 12100 Sunrise Valley Drive, L.L.C. v. County of Fairfax, Virginia*, Case No. CL-2020-0003780, which is pending in the Fairfax County Circuit Court, on the terms and conditions outlined by the County Attorney in Closed Session. Supervisor Palchik seconded the motion and it carried by unanimous vote.

KK:kk

AGENDA ITEMS

64. **3:30 P.M. – PUBLIC HEARING ON SEA 2009-SU-002 (NEW CINGULAR WIRELESS PCS, LLC (D/B/A AT&T MOBILITY), TRUSTEES OF THE CENTREVILLE UNITED METHODIST CHURCH, AND CENTREVILLE DAY SCHOOL) TO AMEND SE 2009-SU-002, PREVIOUSLY APPROVED FOR A PLACE OF WORSHIP WITH A CHILD CARE CENTER, TO ADD A TELECOMMUNICATION FACILITY (STEALTH BELL TOWER) AND ASSOCIATED CHANGES TO SITE DESIGN AND DEVELOPMENT CONDITIONS, LOCATED ON APPROXIMATELY 9.46 ACRES OF LAND ZONED R-1, PDH-12 AND WS (SULLY DISTRICT)** (3:37 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 27 and September 3, 2021.

The application property is located at 6400 Old Centreville Road, Centreville, 20121, Tax Maps 65-1 ((1)) 14A, 14A1 and 65-1 ((5)) J1.

Douglas A. Sampson, Agent, Saul, Ewing, Arnstein and Ewing LLP reaffirmed the validity of the affidavit for the record.

Yvonne Goh, Planner, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

Mr. Sampson had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Ms. Goh presented the staff and Planning Commission recommendations.

Following a query by Supervisor Smith, Mr. Sampson confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated June 15, 2021.

Supervisor Smith moved:

- Approval of Special Exception Amendment Application SEA 2009-SU-002, subject to the development conditions dated June 15, 2021
- Modification of the transitional screening requirements pursuant to Section 13-303 of the Zoning Ordinance in favor of the existing and proposed landscaping as conditioned

Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Palchik being out of the room.

(NOTE: On June 30, 2021, the Planning Commission approved Final Development Plan Amendment FDPA 81-S-058-08- 01, subject to the proposed development conditions dated June 15, 2021, and further, to find that the facility proposed under 2232-Y20-6 satisfies the criteria of location, character, and extent, as specified in Sect. 15.2-2232 of the Code of Virginia, and therefore, is substantially in accord with the provisions of the Comprehensive Plan.)

65.

3:30 P.M. – PUBLIC HEARING ON SPECIAL EXCEPTION APPLICATION SE 2021-MA-002 (FAIRFAX COUNTY WATER AUTHORITY) TO PERMIT A LIGHT PUBLIC UTILITY USE (WATER

**PUMPING FACILITY), LOCATED ON APPROXIMATELY 23,208
SQUARE FEET OF LAND ZONED R-3, SC, AND HC (MASON DISTRICT)**

(3:49 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 27 and September 3, 2021.

The application property is located at 2959 Sleepy Hollow Road, Falls Church, 22044, Tax Map 51-3 ((14)) 1A.

John C. McGranahan Jr., Agent, Hunton Andrews Kurth, LLP reaffirmed the validity of the affidavit for the record.

Zach Fountain, Planner, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

Mr. McGranahan, Jr., had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Mr. Fountain presented the staff and Planning Commission recommendations.

Discussion ensued, with input from Mr. McGranahan, Jr., regarding the net reduction in non-permeable space.

Following a query by Supervisor Gross, Mr. McGranahan Jr., confirmed, for the record, that the applicant was in agreement with the proposed development conditions dated June 29, 2021.

Supervisor Gross moved:

- Approval of Special Exception Application SE 2021-MA-002, subject to the development conditions dated June 29, 2021
- Modification of the transitional screening requirement and a waiver of the barrier requirement along the southern property boundary in favor of preserving the existing vegetation as shown on the SE Plat
- Modification of the transitional screening and barrier requirements along the southwestern portion of the property in favor of a seven-foot-tall brick/pier fence with supplemental plantings as shown on the SE Plat
- Modification of the transitional screening requirement and a waiver of the barrier requirement along Sleepy Hollow Road in favor of a

combination of architectural and landscaping techniques as shown on the SE Plat

- Modification of the five-foot-wide sidewalk requirement along Sleepy Hollow Road in favor of an eight-foot-wide concrete sidewalk as conditioned

Supervisor Lusk and Chairman McKay jointly seconded the motion and it carried by a vote of nine, Supervisor Palchik being out of the room.

66. **3:30 P.M. – PUBLIC HEARING ON REZONING APPLICATION RZ 2021-MV-004 (MARIE J. AND PAUL L. CHARLES) TO REZONE FROM R-2 TO R-3 TO PERMIT RESIDENTIAL WITH A DENSITY OF 2.86 DWELLING UNITS PER ACRE AND WAIVER OF LOT WIDTH REQUIREMENTS, LOCATED ON APPROXIMATELY 30,722 SQUARE FEET OF LAND (MOUNT VERNON DISTRICT) (3:59 p.m.)**

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 27 and September 3, 2021.

The application property is located on the east side of Lukens Lane and north side of Old Mill Road, Tax Map 110- 1 ((1)) 37B.

Paul L. Charles, the applicant, reaffirmed the validity of the affidavit for the record.

Sharon Williams, Planner, Zoning Evaluation Division, Department of Planning and Development, gave a presentation depicting the application and site location.

Mr. Charles, had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Ms. Williams presented the staff and Planning Commission recommendations.

Supervisor Storck moved:

- Approval of Rezoning Application RZ 2021-MV-004, subject to the proffers dated July 26, 2021
- Waiver of lot width requirements in favor of that shown on the General Development Plan

Supervisor Smith seconded the motion and it carried by a vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herry, Supervisor

Supervisor Lusk, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” Supervisor Palchik being out of the room.

67. **3:30 P.M. – PUBLIC HEARING ON REZONING APPLICATION RZ 2020-BR-001 (CHRISTOPHER LAND, LLC) TO REZONE FROM R-1 TO PDH-3 TO PERMIT RESIDENTIAL DEVELOPMENT WITH AN OVERALL DENSITY OF 2.71 DWELLING UNITS PER ACRE AND APPROVAL OF THE CONCEPTUAL DEVELOPMENT PLAN, LOCATED ON APPROXIMATELY 4.43 ACRES OF LAND (BRADDOCK DISTRICT)** (4:08 p.m.)

Supervisor Walkinshaw moved to defer the public hearing on RZ 2020-BR-001 until **October 5, 2021**, Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Palchik being out of the room.

68. **3:30 P.M. – PUBLIC HEARING ON PCA 2006-SU-025-05/CDPA 2006-SU-025-03 (TOLL MID-ATLANTIC LP COMPANY, INC AND JLB REALTY LLC TO AMEND THE PROFFERS AND CONCEPTUAL DEVELOPMENT PLAN FOR RZ 2006-SU-025, TO PERMIT A MULTIFAMILY RESIDENTIAL DEVELOPMENT AT 0.54 FLOOR AREA RATIO, INCLUSIVE OF BONUS DENSITY, AND ASSOCIATED MODIFICATIONS TO PROFFERS AND SITE DESIGN, LOCATED ON APPROXIMATELY 21.7 ACRES OF LAND ZONED PDC AND WS (SULLY DISTRICT)** (4:09 p.m.)

Supervisor Smith moved to defer the public hearing on PCA 2006-SU-025-05/CDPA 2006-SU-025-03 until **October 19, 2021, at 3:30 p.m.** Chairman McKay seconded the motion and it carried by a vote of nine, Supervisor Palchik being out of the room.

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69. **4 P.M. – DECISION ONLY ON A PROPOSED ZONING ORDINANCE AMENDMENT REGARDING HISTORIC OVERLAY DISTRICTS – STATE CODE REVISIONS** (4:11 p.m.)

- (O) (NOTE: On June 22, 2021, the Board held a public hearing regarding this item and deferred decision until July 27, 2021. On July 27, 2021, the Board deferred decision until September 14, 2021.)

Supervisor Storck moved:

- Adoption of the staff recommendation for the Zoning Ordinance Amendment titled “Historic Overlay Districts – State Code Revisions,” as set forth in the Staff Report dated May 19, 2021, and subject to revision to subsection 3101.19.C(4) of the proposed text to read as follows:

(4) In association with a proposed development, the Board may impose or accept any condition it deems necessary to ensure any proposed use will satisfy the general and additional standards applicable to this HOD. This may include a condition to allow public access to the Wellington at River Farm HOD and its landmark, buildings, structures, or land to the extent permitted by local, state, or federal law.

- The proposed Zoning Ordinance Amendment becomes effective at 12:01 a.m. on the day following adoption.

Chairman McKay seconded the motion.

Following discussion regarding efforts made to preserve the property and resolve issues on how to proceed, the question was called on the motion and it carried by a recorded vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” with Supervisor Herrity abstaining.

70. **4 P.M. – PUBLIC HEARING ON PROPOSED PLAN AMENDMENT PA 2020-030, 8708 SILVERBROOK ROAD, EAST OF THE INTERSECTION OF SILVERBROOK ROAD AND SOUTHRUN ROAD (MOUNT VERNON DISTRICT)** (4:19 p.m.)

Michael Lynskey, Planner II, Planning Division, Department of Planning and Development presented the staff report.

Following the public hearing, Mr. Lynskey presented the staff and Planning Commission recommendations.

Supervisor Storck moved approval of Plan Amendment 2020-030, as recommended by the Planning Commission. The recommendation would add a site-specific option for the subject property that supports residential use up to five dwelling units per acre for development of townhomes in a similar configuration to that of surrounding development, with access from Southrun Road, and subject to conditions requiring development to meet higher targets for post-development tree canopy, open space and landscaped screening along Silverbrook Road. Chairman McKay seconded the motion and it carried by unanimous vote.

71. **4 P.M. – PUBLIC HEARING ON PROPOSED AMENDMENTS TO CHAPTER 11.1 OF THE COUNTY CODE TO REFLECT AMENDMENTS TO STATE ANTI-DISCRIMINATION AND FAIR HOUSING STATUTES ENACTED DURING THE 2021 SESSION OF THE GENERAL ASSEMBLY TO CHANGE STATUS AS A VETERAN TO MILITARY STATUS AS A**

PROTECTED CLASS, ADDING A DEFINITION OF MILITARY STATUS TO ARTICLE 11.1-3-2 (THE FAIRFAX COUNTY FAIR HOUSING ACT), ADDING THE ACCESSIBLE PARKING LANGUAGE FROM HB 1971 TO ARTICLE 11.1-3-4-2, AND DELETING EXTRANEOUS LANGUAGE FROM ARTICLE 11.1-3-18 (4:24 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 27 and September 3, 2021.

Kenneth Saunders, Director, Office of Human Rights and Equity Programs, presented the staff report.

Following the public hearing, Supervisor Foust moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 11.1, to change status as a veteran to military status as a protected class, add a definition of military status to Article 11.1-3-2, add accessible parking language from House Bill 1971 to Article 11.1-3-4-2, and delete extraneous language from Article 11.1-3-18. The proposed amendments become effective retroactive to July 1, 2021. Supervisor Gross seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE.”

72. **BOARD RECESS** (4:28 p.m.)

At 4:28 p.m. the Board recessed briefly and at 4:33 p.m. reconvened with all members being present, and with Chairman McKay presiding.

73. **4:30 P.M. – PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLE 1, PERSONNEL ADMINISTRATION, SECTIONS 3-1-1 AND 3-1-21** (4:33 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 27 and September 3, 2021.

Catherine Spage, Director, Department of Human Resources, presented the staff report.

Following the public hearing, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Article 1, Personnel Administration, Sections 3-1-1 and 3-1-21. The proposed amendments become effective retroactive to July 1, 2021. Chairman McKay and Supervisor Lusk jointly seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity,

Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE.”

74. **4:30 P.M. – PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF SLEEPY HOLLOW ROAD WALKWAY – COLUMBIA PIKE TO ROUTE 7 (MASON DISTRICT)** (4:36 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public comment was duly advertised in that newspaper in the issues of August 27 and September 3, 2021.

Mohammed Najeeb, Senior Right-of-Way Agent, Land Acquisition Division, Department of Public Works and Environmental Services, presented the staff report.

Discussion ensued, with input from Mr. Najeeb and Mark VanZandt, Transportation Design Division, Department of Transportation, regarding:

- The number of properties required to complete the project
- The remaining seven properties required to complete the acquisition
- The 39 out of 46 properties already acquired for the project
- The width of the current and proposed sidewalk and projections for usability

Following the public hearing, which included testimony by three speakers, Supervisor Gross moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of Project 2G40-088-028, Sleepy Hollow Road Walkway from Columbia Pike to Route 7, Fund 40010, County and Regional Transportation Projects. Chairman McKay, Supervisor Smith, and Supervisor Lusk jointly seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE.”

75. **4:30 P.M. – PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF SLIPLINE REPLACEMENT #3 (CELADON LANE) (MASON DISTRICT)** (4:57 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public comment was duly advertised in that newspaper in the issues of August 27 and September 3, 2021.

Ricky Foley, Project Coordinator, Capital Facilities, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Gross moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of Slipline Replacement #3 (Celadon Lane) (Mason District) in Project WW-000028, Gravity Sewers, Fund 69300, Sewer Construction Improvements. Supervisor Lusk seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting "AYE."

76. **4:30 P.M. – PUBLIC HEARING ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON HAMPTON ROAD (SPRINGFIELD DISTRICT)** (5:03 p.m.)

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 27 and September 3, 2021.

Stephen Knudsen, Transportation Planner, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by two speakers, Supervisor Herrity moved adoption of the Resolution endorsing the following roads to be included in the Residential Traffic Administration Program for a through truck traffic restriction:

- Hampton Road between Ox Road (Route 123) and Henderson Road

Chairman McKay and Supervisor Lusk jointly seconded the motion and it carried by unanimous vote, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Herrity, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting "AYE."

77. **4:30 P.M. – PUBLIC HEARING TO CONSIDER AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 4 (TAXATION AND FINANCE), TO ADD A NEW ARTICLE 30 TO ESTABLISH A DISPOSABLE PLASTIC BAG TAX** (5:13 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 27 and September 3, 2021.

Susan Hafeli, Deputy Director, Office of Environmental and Energy Coordination, presented the staff report.

Discussion ensued, with input from Jay Doshi, Director, Department of Tax Administration regarding:

- Exemption for multiple plastic bags and leaf collection bags
- Collection and administration of the taxes being the responsibility of the Virginia Department of Taxation
- Revenue to be used to offset impact on businesses
- Discount for retailers and the use of reusable bags
- Environmental benefits and impact

Following the public hearing, which included testimony by 31 speakers, Supervisor Walkinshaw moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 4, to establish Article 30 relating to a disposable plastic bag tax. Chairman McKay and Supervisor Storck jointly seconded the motion and it carried by a recorded vote of nine, Supervisor Alcorn, Supervisor Foust, Supervisor Gross, Supervisor Lusk, Supervisor Palchik, Supervisor Smith, Supervisor Storck, Supervisor Walkinshaw, and Chairman McKay voting “AYE,” with Supervisor Herrity voting “NAY.”

78. **4:30 P.M. – PUBLIC COMMENT FROM FAIRFAX COUNTY CITIZENS AND BUSINESSES ON ISSUES OF CONCERN** (7:32 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public comment was duly advertised in that newspaper in the issues of August 27 and September 3, 2021.

Public comment was held and included the following individuals:

- Julianna Nickel, regarding a property tax formula and educating the public on the formula used to send taxes out of the County

Chairman McKay noted that income taxes and sources of income discussions will be done during the Legislative session.

- Will Radle, regarding the Franconia Affordable Housing Project
- Stephanie Wright, regarding Plant Nova Trees Corporate Outreach Lead, Plant Nova Natives
- Eric Goplerud, regarding the Community-Wide Energy and Climate Action Plan (CECAP)
- Barbara Monacella, regarding (CECAP)

- Tiziana Bottino, regarding (CECAP)
- Anastassia Doctor, regarding police brutality

79. **BOARD ADJOURNMENT** (7:56 p.m.)

At 7:56 p.m. the Board adjourned.